

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:08cv51

WATCHIT TECHNOLOGIES, INC.,)
et al.,)

Plaintiffs,)

Vs.)

1:08cv51

BIG APPLE CONSULTING USA,)
INC., *et al.*,)

Defendants.)

ORDER

BIG APPLE CONSULTING USA,)
INC., *et al.*,)

Plaintiffs,)

Vs.)

1:09cv299

FRANK A. MOODY, II,)

Defendant.)

BIG APPLE CONSULTING USA,)
INC., *et al.*,)

Plaintiffs,)

Vs.)

1:09cv300

WATCHIT TECHNOLOGIES, INC.,)
et al.,)

Defendants.)

THIS MATTER is before the court for purposes of conducting a status conference, which was held October 27, 2009, in Asheville. At that hearing, Patrick Robson appeared for plaintiffs and potential third party defendants and David Popper appeared on behalf of the defendants and potential third party plaintiffs. As a result of the hearing, the following actions were taken:

- (1) the parties agreed that Don Wood, Dennis Steinmetz, Brandon Wood, Child Watch Network, Digital Fusion Group, LLC, BMA Partners, Inc., had been dismissed;
- (2) plaintiffs will move to set aside the default as to Watchit Technologies, Inc., Stratford Financial Resources, LLC, and Scenic Marketing, LLC;
- (3) Mr. Robson entered his appearance on behalf of Stratford Financial Resources, LLC, Scenic Marketing, LLC, and Frank A. Moody, II, and individually and in his official capacity as an officer and director of Watchit Technologies, Inc.;
- (4) plaintiffs withdrew their Motion for Sanctions (#49);
- (5) defendants withdrew their Motion to Dismiss (#45);
- (6) the parties agreed that defendants would file their Answer, Counterclaims, and Third-Party Complaint by November 30, 2009; and
- (7) the court and the parties agreed that all stays previously imposed in the Florida actions would be dissolved.

The court will enter an Order allowing such relief as follows. The court appreciates the attention respective counsel paid to the matter in advance of the hearing, which

save everyone time.

ORDER

IT IS, THEREFORE, ORDERED that:

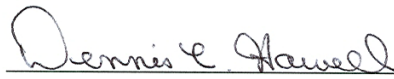
- (1) the Clerk is directed to terminate the following parties if such has not been done so already: Don Wood, Dennis Steinmetz, Brandon Wood, Child Watch Network, Digital Fusion Group, and LLC, BMA Partners, Inc.;
- (2) plaintiffs shall move within 14 days to set aside the default as to Watchit Technologies, Inc., Stratford Financial Resources, LLC, and Scenic Marketing, LLC;
- (3) Mr. Robson's appearance on behalf of Stratford Financial Resources, LLC, Scenic Marketing, LLC, and Frank A. Moody, II, both individually and in his official capacity as an officer and director of Watchit Technologies, Inc., is noted and the Clerk of this court is directed to place such general appearance of counsel on the docket for such defendants;
- (4) plaintiffs' Motion for Sanctions (#49) is **WITHDRAWN**;
- (5) defendants' Motion to Dismiss (#45) is **WITHDRAWN**;
- (6) defendants shall file their Answer, Counterclaims, and Third-Party Complaint by November 30, 2009;
- (7) the stays previously imposed in the Florida actions are **DISSOLVED**;

and

- (8) Mr. Popper's appearance at the hearing is both welcomed and permitted, but he is respectfully instructed to retain local counsel and move for admission *pro hac vice* if he has not done so by the time he receives this Order.

Defendants and potential third-party plaintiffs are granted leave to amend the caption of this action in their Answer, Counter Claims, and Third-Party Complaint, in a manner consistent with the discussions at the hearing.

Signed: October 27, 2009

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Dennis L. Howell
United States Magistrate Judge

