

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2010 DEC -7 PM 12:20

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY Myc
DEPUTY

DELIVERANCE POKER, LLC,
Plaintiff,

vs.

MICHAEL MIZRACHI,
Defendant.

§
§
§
§
§
§
§
§

10-CV-664-JRN

**ORDER DENYING JOINT MOTION TO EXTEND TIME FOR SUBMITTING
PROPOSED SCHEDULING ORDER REQUIRED BY LOCAL RULE CV-16(c)**

Before the Court in the above-entitled and styled cause of action is Plaintiff Deliverance Poker, LLC's ("Plaintiff") and Defendant Michael Mizrachi's Joint Motion to Extend Time for Submitting Proposed Scheduling Order. (Clerk's Dkt. # 28). When submitting their Motion, the Parties recognize that "the proposed scheduling order is due today." *Id.* But rather than filing a proposed scheduling order as required by the Local Rules, the Parties ask for additional time because Plaintiff seeks leave to amend its complaint and add Tiltware, LLC. Surprisingly, the Parties also ask for ten additional days to file the proposed scheduling order if leave to amend is not granted.¹ The instant motion implies either a dilatory intent or lack of preparation. With this in mind, Plaintiff was granted leave to amend, but the Parties are now required to submit a proposed scheduling order in compliance with Local Rule CV-16(c), on or before **Friday, December 10, 2010.**² Additionally, the Parties should be advised that the final pretrial

¹ The Court is aware that Tiltware, LLC was dismissed prior to when Plaintiff's current counsel came on board. This is the only reason sanctions are not being imposed.


² "Within 60 days after *any* appearance of *any* defendant, the parties shall submit a proposed scheduling order to the Court in the form as indicated in Appendix 'B.'" Local Rule CV-16(c) (emphasis added).

conference will be set no later than **April, 2011**.

IT IS HEREBY ORDERED that the Parties' Joint Motion to Extend Time for Submitting Proposed Scheduling Order Required by Local Rule CV-16(c) is **DENIED**.

IT IS FURTHER ORDERED that the Parties submit a proposed scheduling order in compliance with Local Rule CV-16(c), on or before **Friday, December 10, 2010**.

Signed this 7TH day of December, 2010.



JAMES R. NOWLIN
UNITED STATES DISTRICT JUDGE