

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

3BA INTERNATIONAL LLC,

Plaintiff,

v.

KEVIN LUBAHN, et al.,

Defendants.

CASE NO. C10-829RAJ

MINUTE ORDER

The following minute order is made by the direction of the court, the Honorable Richard A. Jones:

There are six motions pending in this action. Dkt. ## 39, 40, 45, 47, 51, 61. In one, Defendant Kevin Lubahn seeks leave to amend his answer and counterclaims. In three separate motions to strike, Plaintiff seeks to strike various answers, counterclaims, or third-party claims that Mr. Lubahn or Defendant Kevin Ellis filed. In another motion, Defendants jointly seek an “emergency” injunction, but state no grounds for emergency relief. In the remaining motion, Plaintiff asks the court to set a status conference to discuss this case.

The final motion is well taken to the extent that it seeks a status conference. The parties are clearly not working together cooperatively. Moreover, Plaintiff claims that it settled its claims against Mr. Lubahn on August 31, 2010, and that Mr. Lubahn continues to seek relief from the court in violation of the settlement agreement. Plaintiff has not

1 settled with Mr. Ellis, but nonetheless strenuously insists that Mr. Ellis not be permitted
2 to file any pleadings in this court. Also complicating matters is the fact that both
3 Defendants are proceeding without an attorney, and misunderstand their rights and
4 obligations in this court.

5 Accordingly, the court has scheduled a status conference for Wednesday,
6 December 15, 2010, at 11:00. At that conference, all parties should be prepared to
7 address at least the following issues:

- 8 1) Is Mr. Lubahn bound by the settlement agreement he signed, such that the
9 court should dismiss all claims between him and Plaintiff?
- 10 2) Have Plaintiff and Mr. Ellis settled their claims? Are they likely to do so?
- 11 3) As to whatever parties and claims remain in this action, what schedule will
12 permit the parties to present their claims and defenses and bring them to a swift
13 resolution. Is the existing case schedule adequate?

14 In advance of the status conference, the court TERMINATES all pending motions.
15 Dkt. ## 39, 40, 45, 47, 51, 61. To the extent it is appropriate after the status conference,
16 the court will consider reinstating some of these motions.

17 Filed and entered this 9th day of December, 2010.

18 WILLIAM M. MCCOOL, Clerk

19 s/Consuelo Ledesma

20 By

21 Deputy Clerk