

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF CALIFORNIA
(Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:15-cv-04007-DMG-MRW**

Lianna Kabbash et al v. The Jewelry Channel, Inc. USA
Assigned to: Judge Dolly M. Gee
Referred to: Magistrate Judge Michael R. Wilner
Cause: 28:1332 Diversity–Fraud

Date Filed: 05/28/2015
Date Terminated: 02/22/2016
Jury Demand: Both
Nature of Suit: 370 Other Fraud
Jurisdiction: Diversity

Plaintiff

Lianna Kabbash

represented by **Gregory F Coleman**
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Plaintiff

Angela Hovind

on behalf of themselves and all others similarly situated

represented by **Gregory F Coleman**

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(See above for address)

ATTORNEY TO BE NOTICED

Eric H Gibbs

(See above for address)

ATTORNEY TO BE NOTICED

V.

Defendant

The Jewelry Channel, Inc. USA

doing business as

Liquidation Channel

represented by **Michael N Zachary**

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Date Filed	#	Docket Text
05/28/2015	<u>1</u>	CIVIL COVER SHEET filed by Plaintiffs Angela Hovind, Lianna Kabbash. (Gibbs, Eric) (Entered: 05/28/2015)
05/28/2015	<u>2</u>	COMPLAINT Fee Exemption in accordance with statute, filed by Plaintiff Angela Hovind, Lianna Kabbash. (Attachments: # <u>1</u> Filing Fee Receipt) (Attorney Eric H Gibbs added to party Angela Hovind(pty:pla), Attorney Eric H Gibbs added to party Lianna Kabbash(pty:pla))(Gibbs, Eric) (Entered: 05/28/2015)
05/28/2015	<u>3</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening), <u>2</u> filed by Plaintiff Angela Hovind, Lianna Kabbash. (Gibbs, Eric) (Entered: 05/28/2015)
05/28/2015	<u>4</u>	<i>Certification and</i> NOTICE of Interested Parties filed by Plaintiff Angela Hovind, Lianna Kabbash, (Gibbs, Eric) (Entered: 05/28/2015)
05/28/2015	<u>5</u>	DECLARATION of Eric H. Gibbs re Complaint (Attorney Civil Case Opening), <u>2</u> <i>Declaration of Plaintiffs' Counsel Pursuant to California Civil Code Section 1780(d)</i> filed by Plaintiffs Angela Hovind, Lianna Kabbash. (Gibbs, Eric) (Entered: 05/28/2015)
05/29/2015	<u>6</u>	NOTICE OF ASSIGNMENT to District Judge Dolly M. Gee and Magistrate Judge Michael R. Wilner. (esa) (Entered: 05/29/2015)
05/29/2015	<u>7</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (esa) (Entered: 05/29/2015)
05/29/2015	<u>8</u>	21 DAY Summons issued re Complaint, <u>2</u> as to defendant The Jewelry Channel, Inc. USA. (esa) (Entered: 05/29/2015)
05/29/2015	<u>9</u>	

NOTICE OF FILING FEE DUE on Pro Hac Vice Application mailed to attorney Gregory F. Coleman for Plaintiffs Angela Hovind, Lianna Kabbash. Pro Hac Vice application has not been received by the court. Please return your completed Application of Non-Resident Attorney to Appear in a Specific Case, form G-64, or a copy of the Notice of Electronic Filing of your application and the \$325.00 fee and this notice immediately. Out-of-state federal government attorneys who are not employed by the U.S. Department of Justice are required to file a Pro Hac Vice application;no filing fee is required. You have been removed as counsel of record from this case for failure to submit this filing fee. (esa) (Entered: 05/29/2015)

05/29/2015	<u>10</u>	NOTICE OF FILING FEE DUE on Pro Hac Vice Application mailed to attorney Mark E. Silvey for Plaintiffs Angela Hovind, Lianna Kabbash. Pro Hac Vice application has not been received by the court. Please return your completed Application of Non-Resident Attorney to Appear in a Specific Case, form G-64, or a copy of the Notice of Electronic Filing of your application and the \$325.00 fee and this notice immediately. Out-of-state federal government attorneys who are not employed by the U.S. Department of Justice are required to file a Pro Hac Vice application;no filing fee is required. You have been removed as counsel of record from this case for failure to submit this filing fee. (esa) (Entered: 05/29/2015)
06/04/2015	<u>11</u>	INITIAL STANDING ORDER upon filing of the complaint by Judge Dolly M. Gee. (See order for details.) (kti) (Entered: 06/04/2015)
06/04/2015	<u>12</u>	MINUTE ORDER IN CHAMBERS: PILOT PROJECT RE SEALED DOCUMENTS by Judge Dolly M. Gee. (See order for details.) (kti) (Entered: 06/04/2015)
06/19/2015	<u>13</u>	NOTICE of Appearance filed by attorney Michael N Zachary on behalf of Defendant The Jewelry Channel, Inc. USA (Attorney Michael N Zachary added to party The Jewelry Channel, Inc. USA(pty:dft))(Zachary, Michael) (Entered: 06/19/2015)
06/22/2015	<u>14</u>	STIPULATION Extending Time to Answer the complaint as to The Jewelry Channel, Inc. USA answer now due 7/24/2015, re Complaint (Attorney Civil Case Opening), <u>2</u> filed by defendant The Jewelry Channel, Inc. USA.(Zachary, Michael) (Entered: 06/22/2015)
06/23/2015	<u>15</u>	PROOF OF SERVICE Executed by Plaintiff Angela Hovind, Lianna Kabbash, upon Defendant The Jewelry Channel, Inc. USA served on 6/3/2015, answer due 7/24/2015. Service of the Summons and Complaint were executed upon The Jewelry Channel, Inc. USA d/b/a Liquidation Channel in compliance with statute not specified by service on a domestic corporation, unincorporated association, or public entity. Original Summons NOT returned. (Gibbs, Eric) (Entered: 06/23/2015)
06/23/2015	<u>16</u>	APPLICATION for attorney Gregory F. Coleman to Appear Pro Hac Vice (PHV Fee of \$325 receipt number 0973-15964222 paid.) filed by Plaintiffs Angela Hovind, Lianna Kabbash. (Attachments: # <u>1</u> Proposed Order) (Gibbs, Eric) (Entered: 06/23/2015)
06/23/2015	<u>17</u>	APPLICATION for attorney Mark E. Silvey to Appear Pro Hac Vice (PHV Fee of \$325 receipt number 0973-15964375 paid.) filed by Plaintiffs Angela Hovind, Lianna Kabbash. (Attachments: # <u>1</u> Proposed Order) (Gibbs, Eric) (Entered: 06/23/2015)
06/25/2015	<u>18</u>	NOTICE of Appearance filed by attorney Russell I Glazer on behalf of Defendant The Jewelry Channel, Inc. USA (Attorney Russell I Glazer added to party The Jewelry Channel, Inc. USA(pty:dft))(Glazer, Russell) (Entered: 06/25/2015)
06/25/2015	<u>19</u>	ORDER ON APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE PRO HAC VICE by Judge Dolly M. Gee: granting <u>17</u> APPLICATION to Appear Pro Hac Vice by Attorney Mark E. Silvey on behalf of Plaintiffs, designating Eric H. Gibbs as local counsel. (lt) (Entered: 06/26/2015)
06/25/2015	<u>20</u>	

ORDER ON APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE PRO HAC VICE by Judge Dolly M. Gee: granting 16 APPLICATION to Appear Pro Hac Vice by Attorney Gregory F. Coleman on behalf of Plaintiffs, designating Eric H. Gibbs as local counsel. (lt) (Entered: 06/26/2015)

06/26/2015	<u>21</u>	NOTICE of Appearance filed by attorney Jacob Michael Harper on behalf of Defendant The Jewelry Channel, Inc. USA (Attorney Jacob Michael Harper added to party The Jewelry Channel, Inc. USA(pty:dft))(Harper, Jacob) (Entered: 06/26/2015)
06/29/2015	<u>22</u>	APPLICATION for Refund of Fees Paid filed by Plaintiffs Angela Hovind, Lianna Kabbash. (Attachments: # <u>1</u> Exhibit Pay.gov Confirmation) (Gibbs, Eric) (Entered: 06/29/2015)
07/24/2015	<u>23</u>	NOTICE OF MOTION AND MOTION to Dismiss The Complaint Pursuant to Fed.R.Civ.P. 12(B)(6) and Fed.R.Civ.P. 9(B) filed by defendant The Jewelry Channel, Inc. USA. Motion set for hearing on 9/11/2015 at 09:30 AM before Judge Dolly M. Gee. (Attachments: # <u>1</u> Proposed Order) (Zachary, Michael) (Entered: 07/24/2015)
07/24/2015	<u>24</u>	CERTIFICATE of Interested Parties filed by defendant The Jewelry Channel, Inc. USA, identifying Genoa Jewelers and Vaibhav Global Ltd.. (Zachary, Michael) (Entered: 07/24/2015)
08/04/2015	<u>25</u>	REFUND OF \$325.00 made payable on 08/04/2015 to Eric Gibbs for payment made on 06/23/2015 Re: APPLICATION for Refund of Fees Paid <u>22</u> . (rdj) (Entered: 08/04/2015)
08/05/2015	<u>26</u>	APPLICATION for attorney Jonathan Webster Thomas to Appear Pro Hac Vice (PHV Fee of \$325 receipt number 0973-16215897 paid.) filed by Defendant The Jewelry Channel, Inc. USA. Application set for hearing on 9/4/2015 at 09:30 AM before Judge Dolly M. Gee. (Attachments: # <u>1</u> Proposed Order) (Harper, Jacob) (Entered: 08/05/2015)
08/06/2015	<u>27</u>	ORDER ON APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE PRO HAC VICE by Judge Dolly M. Gee: granting <u>26</u> APPLICATION to Appear Pro Hac Vice by Attorney Jonathan W. Thomas on behalf of Defendant the Jewelry Channel, Inc., designating Jacob M. Harper as local counsel. (lt) (Entered: 08/06/2015)
08/11/2015	<u>28</u>	STIPULATION to Continue Hearing for Motion to Dismiss from September 11, 2015 to September 18, 2015 Re: NOTICE OF MOTION AND MOTION to Dismiss The Complaint Pursuant to Fed.R.Civ.P. 12(B)(6) and Fed.R.Civ.P. 9(B) <u>23</u> filed by Plaintiffs Angela Hovind, Lianna Kabbash. (Attachments: # <u>1</u> Proposed Order)(Gibbs, Eric) (Entered: 08/11/2015)
08/14/2015	<u>29</u>	ORDER CONTINUING HEARING DATE <u>28</u> by Judge Dolly M. Gee: The hearing datefrom September 11, 2015 to September 18, 2015 at 9:30 a.m. Plaintiffs oppositionpapers are due August 21, 2015. Defendants reply papers are due September 4, 2015. (lc) (Entered: 08/14/2015)
08/21/2015	<u>30</u>	APPLICATION for attorney Michelle Mancino Marsh to Appear Pro Hac Vice (PHV Fee of \$325 receipt number 0973-16313521 paid.) filed by Defendant The Jewelry Channel, Inc. USA. Application set for hearing on 9/18/2015 at 09:30 AM before Judge Dolly M. Gee. (Attachments: # <u>1</u> Proposed Order) (Harper, Jacob) (Entered: 08/21/2015)
08/21/2015	<u>31</u>	OPPOSITION to NOTICE OF MOTION AND MOTION to Dismiss The Complaint Pursuant to Fed.R.Civ.P. 12(B)(6) and Fed.R.Civ.P. 9(B) <u>23</u> filed by Plaintiffs Angela Hovind, Lianna Kabbash. (Gibbs, Eric) (Entered: 08/21/2015)
08/26/2015	<u>32</u>	ORDER ON APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE PRO HAC VICE by Judge Dolly M. Gee: granting <u>30</u> APPLICATION to Appear Pro Hac Vice by Attorney Michelle M. Marsh on behalf of Defendant, designating Jacob M. Harper as local counsel. (lt) (Entered: 08/26/2015)
09/04/2015	<u>33</u>	REPLY in support of NOTICE OF MOTION AND MOTION to Dismiss The Complaint Pursuant to Fed.R.Civ.P. 12(B)(6) and Fed.R.Civ.P. 9(B) <u>23</u> filed by Defendant The Jewelry Channel, Inc.

USA. (Zachary, Michael) (Entered: 09/04/2015)

09/08/2015	<u>34</u>	APPLICATION for attorney James Edward Rosini to Appear Pro Hac Vice (PHV Fee of \$325 receipt number 0973-16404887 paid.) filed by Defendant The Jewelry Channel, Inc. USA. Application set for hearing on 10/2/2015 at 09:30 AM before Judge Dolly M. Gee. (Attachments: # <u>1</u> Proposed Order) (Harper, Jacob) (Entered: 09/08/2015)
09/08/2015	<u>35</u>	Notice of Appearance or Withdrawal of Counsel: for attorney Michael N Zachary counsel for Defendant The Jewelry Channel, Inc. USA. Michelle Mancino Marsh is no longer counsel of record for the aforementioned party in this case for the reason indicated in the G-123 Notice. Filed by defendant The Jewelry Channel, Inc. USA. (Zachary, Michael) (Entered: 09/08/2015)
09/08/2015	<u>36</u>	STIPULATION to Continue Rule 26(f) Conference and Rule 26(a)(1) Initial Disclosures to after Court rules on Motion to Dismiss filed by defendant The Jewelry Channel, Inc. USA. (Attachments: # <u>1</u> Proposed Order)(Zachary, Michael) (Entered: 09/08/2015)
09/08/2015	<u>37</u>	ORDER ON APPLICATION OF NON-RESIDENT ATTORNEY TO APPEAR IN A SPECIFIC CASE PRO HAC VICE by Judge Dolly M. Gee: granting <u>34</u> APPLICATION to Appear Pro Hac Vice by Attorney James E. Rosini on behalf of Defendant The Jewelry Channel, Inc., designating Jacob M. Harper as local counsel. (lt) (Entered: 09/08/2015)
09/09/2015	<u>38</u>	ADDENDUM TO DEFENDANT'S REPLY BRIEF IN FURTHER SUPPORT OF ITS MOTION TO DISMISS THE COMPLAINT re NOTICE OF MOTION AND MOTION to Dismiss The Complaint Pursuant to Fed.R.Civ.P. 12(B)(6) and Fed.R.Civ.P. 9(B) <u>23</u> filed by Defendant The Jewelry Channel, Inc. USA. (Zachary, Michael) (Entered: 09/09/2015)
09/10/2015	<u>39</u>	ORDER RE FED.R.CIV.P. 26(F) CONFERENCE AND RULE 26(A)(1) DISCLOSURES <u>36</u> by Judge Dolly M. Gee: The Court hereby defers the parties Rule 26(f) conference and service of Rule 26(a)(1) initial disclosures until after the Court rules on Defendants pending motion to dismiss the Complaint. The Court will set a new date for the Rule 26(f) conference as appropriate following the ruling. (lc) (Entered: 09/10/2015)
09/16/2015	<u>40</u>	(IN CHAMBERS) ORDER by Judge Dolly M. Gee: The Court finds that Defendants Motion to Dismiss the Complaint Pursuant to Fed.R.Civ.P. 12(B)(6) and Fed.R.Civ.P. 9(B) <u>23</u> presently scheduled for hearing on September 18, 2015, is appropriate for decision without oral argument. Fed. R. Civ. P. 78(b); C.D. L.R. 7-15. Accordingly, the motion is taken UNDER SUBMISSION and the hearing is vacated. IT IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (kti) TEXT ONLY ENTRY (Entered: 09/16/2015)
11/02/2015	<u>41</u>	MINUTES IN CHAMBERS – ORDER RE: MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(6) AND FED. R. CIV. P. 9(B) <u>23</u> by Judge Dolly M. Gee. In light of the foregoing, Defendant LC's motion to dismiss is DENIED in its entirety. Defendant shall file its Answer within 15 days from the date of this Order. IT IS SO ORDERED. (lom) (Entered: 11/02/2015)
11/18/2015	<u>42</u>	MINUTES (IN CHAMBERS) – Order To Show Cause Re: Dismissal for Lack of Prosecution by Judge Dolly M. Gee. The Court, on its own motion, orders plaintiff(s) to show cause in writing on or before December 2, 2015 why this action should not be dismissed for lack of prosecution. No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiff(s) is due. This action will be dismissed if the above-mentioned document(s) are not filed by the date indicated above. (iv) (Entered: 11/18/2015)
11/20/2015	<u>43</u>	ANSWER to Complaint (Attorney Civil Case Opening), <u>2</u> JURY DEMAND. filed by defendant The Jewelry Channel, Inc. USA.(Zachary, Michael) (Entered: 11/20/2015)
11/24/2015	<u>44</u>	(IN CHAMBERS) ORDER by Judge Dolly M. Gee. The Court, having received Defendant's answer <u>43</u> , hereby DISCHARGES the Order to Show Cause issued on November 18, 2015 <u>42</u> . IT

IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (kti) TEXT ONLY ENTRY (Entered: 11/24/2015)

11/24/2015	<u>45</u>	SCHEDULING MEETING OF COUNSEL [Fed. R. Civ. P. 16, 26(f)] by Judge Dolly M. Gee. Scheduling Conference set for 1/15/2016 at 11:00 AM before Judge Dolly M. Gee. (clee) (Entered: 11/24/2015)
12/08/2015	<u>46</u>	NOTICE OF MOTION AND MOTION to Transfer Case to Western District of Texas filed by defendant The Jewelry Channel, Inc. USA. Motion set for hearing on 1/15/2016 at 09:30 AM before Judge Dolly M. Gee. (Attachments: # <u>1</u> Proposed Order) (Zachary, Michael) (Entered: 12/08/2015)
12/08/2015	<u>47</u>	DECLARATION of Nitin Dugar in support of NOTICE OF MOTION AND MOTION to Transfer Case to Western District of Texas <u>46</u> filed by Defendant The Jewelry Channel, Inc. USA. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(Zachary, Michael) (Entered: 12/08/2015)
12/11/2015	<u>48</u>	(IN CHAMBERS) ORDER by Judge Dolly M. Gee. The Court sua sponte advances the scheduling conference presently set on January 15, 2016 at 11:00 a.m. to 9:30 a.m. *NOTE CHANGE IN TIME ONLY.* IT IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (kti) TEXT ONLY ENTRY (Entered: 12/11/2015)
12/24/2015	<u>49</u>	Memorandum in Opposition re: NOTICE OF MOTION AND MOTION to Transfer Case to Western District of Texas <u>46</u> filed by Plaintiffs Angela Hovind, Lianna Kabbash. (Attachments: # <u>1</u> Declaration)(Gibbs, Eric) (Entered: 12/24/2015)
12/31/2015	<u>50</u>	JOINT REPORT Rule 26(f) Discovery Plan ; estimated length of trial 7–10 days, filed by Defendant The Jewelry Channel, Inc. USA.. (Attachments: # <u>1</u> Exhibit A)(Zachary, Michael) (Entered: 12/31/2015)
12/31/2015	<u>51</u>	REPLY In Support of NOTICE OF MOTION AND MOTION to Transfer Case to Western District of Texas <u>46</u> filed by Defendant The Jewelry Channel, Inc. USA. (Zachary, Michael) (Entered: 12/31/2015)
01/13/2016	<u>52</u>	(IN CHAMBERS) ORDER by Judge Dolly M. Gee: The Court finds that Defendants Motion to Transfer Venue under 28 U.S.C. § 1404(a) <u>46</u> presently scheduled for hearing on January 15, 2016, is appropriate for decision without oral argument. Fed. R. Civ. P. 78(b); C.D. L.R. 7–15. Accordingly, the motion is taken UNDER SUBMISSION and the hearing along with the scheduling conference is vacated. IT IS SO ORDERED. THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (kti) TEXT ONLY ENTRY (Entered: 01/13/2016)
02/22/2016	<u>53</u>	MINUTES OF IN CHAMBERS – ORDER RE: DEFENDANT'S MOTION TO TRANSFER VENUE by Judge Dolly M. Gee: Defendant The Jewelry Channel, Inc. USA's, d/b/a the Liquidation Channel, Motion to Transfer <u>46</u> is GRANTED. This case is hereby transferred to the United States District Court for the Western District of Texas. Case electronically transferred. (MD JS–6. Case Terminated.) Court Reporter: Not Reported. (gk) (Entered: 02/23/2016)