

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 16-8119 ODW (MRWx)	Date	October 2, 2017
Title	Ilagan v. Nicholas		

Present: The Honorable	Michael R. Wilner		
	Veronica Piper	n/a	
	Deputy Clerk	Court Reporter / Recorder	
	Attorneys Present for Plaintiff / Petitioner:	Attorneys Present for Defendant / Respondent:	
	None present	None present	
Proceedings:	ORDER VACATING SETTLEMENT CONFERENCE; OSC RE: SANCTIONS		

1. The Court conducted several informal telephone conferences with the lawyers earlier this year in advance of the settlement conference ordered by District Judge Wright. After the last call, the Court issued an order setting the matter for an in-person settlement conference with Magistrate Judge Wilner on October 4. (Docket # 28.)

2. Judge Wilner's order specifically ordered the lawyers to file a confidential pre-settlement letter with Judge Wilner explaining the facts of the case, the evidence discovered to date, and the important issues to be covered at the settlement conference. In addition, the Court required the lawyers to engage in direct settlement discussions and memorialize them in that letter to the Court. (Id. at 2.) The Court's order informed both sides that "failure to comply with the basic requirements set forth" in the order "may result in the imposition of sanctions." (Id. at 3.)

3. Neither party appears to have complied with Judge Wilner's order. To date (and well after the court-ordered deadline), neither Mr. Natividad nor Mr. Feild has sent a settlement letter on behalf of his respective client. That has prevented Judge Wilner from meaningfully preparing for the settlement conference – particularly given the discovery-related disputes that bubbled up during the last call with the Court (for which neither side pursued motion practice).

4. The Court refuses to participate in a federal court settlement conference without adequate preparation. Therefore, the October 4 conference is VACATED.

5. Both lawyers are ordered to show cause why sanctions should not be imposed on them for their conduct here. By noon on Thursday, October 5, Mr. Natividad and Mr. Feild will each file a declaration with the Court (not to exceed five pages) explaining his failure to comply

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with the Court's order. The declaration will also include proof that each lawyer discussed this OSC with his respective client.

6. After the Court reviews both declarations, it will determine whether to reschedule the settlement conference or take other action. The parties are advised that failure to comply with this OSC may result in a recommendation to District Judge Wright to impose further monetary or non-monetary sanctions pursuant to Federal Rule of Civil Procedure 11(c)(3-4).

cc: U.S. District Judge Otis D. Wright II