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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

THOMAS GOOLSBY,)	CASE NO. 1:09-cv-01650 JLT (PC)
)	
Plaintiff,)	
)	ORDER TO DEFENDANTS TO SHOW CAUSE
v.)	WHY THE STIPULATION TO DISMISS
)	SHOULD NOT BE STRICKEN AND/OR WHY
M. CARRASCO, et al.,)	SANCTIONS SHOULD NOT BE IMPOSED
)	
Defendants.)	(Doc. 128)
<hr style="width: 40%; margin-left: 0;"/>		

On November 7, 2011, Defendants alerted the Court that the matter had settled. (Doc. 117) Defendants reported that a sum of money would be paid to Plaintiff and reported that it would be paid within 150 days. Id. at 2. There was no other explanation as to when the sum would be paid.

On November 8, 2011, the Court issued an order after settlement conference, requiring the matter be dismissed no later than December 23, 2011. (Doc. 118) However, on December 21, 2011, Defendants sought an extension of time within which to finalize dismissal of the matter. (Doc. 123) Defendants provided no explanation why the delay was needed but sought 111 additional days. Id. Noting the failure to provide sufficient explanation for the delay, the Court granted the extension but only to February 24, 2012. (Doc. 124) The order noted,

Defendant does not explain why payment cannot be made sooner. Indeed, he admits that the settlement agreement, in essence, requires payment no later than 150 days after the settlement documents were provided. It does not require Defendant to await the passage of this time before payment may be made.

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The Court is well aware of the dire financial status of the State of California. However, nothing about this situation justifies it taking five months to make this payment.

Therefore, Defendant shall be granted an extension to **February 24, 2012**, in which to file the signed stipulation for dismissal.

Failure to comply with this order may be grounds for the imposition of sanctions on counsel or parties who contributed to violation of this order. See Local Rules 110, 160 and 272.

Id. at 1-2.

On February 21, 2012, Defendants filed a stipulation, signed by Plaintiff and counsel for Defendants on November 3, 2011. (Doc. 125) As a result, the matter was dismissed on February 23, 2012. (Doc. 126)

After this, on two occasions, Plaintiff has alerted this Court that the filing of the stipulation for dismissal was without his consent and that he had agreed to its filing *only after* he had received payment of the settlement sum. (Docs. 127, 128)

Therefore, within 14 days of this order, Defendants are **ORDERED** to show cause why this the stipulation for dismissal should not be set aside and why sanctions should not be imposed upon them for failing to comply with the Court's order which required—not just dismissal of the action—but completion of the acts precedent to dismissing the action.

IT IS SO ORDERED.

Dated: March 5, 2012

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE