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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SHERI EDMONDS,

CASE NO. 1:09-cv-02136-AWI-SMS

Plaintiff,

v.

ORDER STRIKING MOTION TO  
ENFORCE SETTLEMENT AGREEMENT

SIGNATURE VANGUARD SOLUTIONS,  
LLC,

Defendant.

(Doc. 9)

\_\_\_\_\_  
Plaintiff Sheri Edmonds moves for enforcement of a purported settlement agreement with Defendant Signature Vanguard Solutions, LLC. Defendant does not respond to Plaintiff's motion.

According to Plaintiff, the parties allegedly agreed to settle the dispute underlying this action for \$500.00 damages and \$2495.00 fees and costs on April 23, 2010, after Defendant was served in this action, but before Defendant answered or otherwise appeared. Because the purported settlement agreement was never incorporated into the record of this action, nor provided as part of Plaintiff's enforcement motion, no agreement is before this Court to enforce.

In addition, because Defendant has never appeared in this action, this Court lacks jurisdiction over it. As a result, the Court can neither grant nor deny Plaintiff's enforcement motion. (In light of Defendant's failure to follow through on the purported settlement agreement or to appear in this action in its own defense, as well as its apparent decision not to retain the attorneys who negotiated the settlement agreement on behalf of Defendant, this Court wonders

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1 at Plaintiff's hesitation to declare Defendant's default in this action by requesting that the Clerk  
2 enter default against it.)

3           Accordingly, this Court hereby **STRIKES** Plaintiff's motion to enforce.  
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5 IT IS SO ORDERED.

6 **Dated: October 21, 2010**

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE

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