

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAULO EUGENE GUINN,

CASE NO. 1:10-cv-00320-LJO-SKO

Plaintiff,

**ORDER ON DEFENDANTS' MOTION
TO ENFORCE SETTLEMENT**

v.

(Doc. No. 72)

J. STURM, et al.,

Defendants.

_____/

On October 5, 2012, Plaintiff's counsel, Mr. James Watkins, filed a motion to withdraw. (Doc. 70.) On October 9, 2012, Defendants filed a motion to enforce a settlement agreement. (Doc. 72.) Both matters were heard on November 28, 2012. By separate order, Mr. Watkins was permitted to withdraw as Plaintiff's counsel.

Accordingly, Plaintiff is granted 45 days to retain new counsel to represent him in this case. The Court shall hold Defendants' motion to enforce the settlement agreement in abeyance for the 45-day period provided to Plaintiff to retain new counsel.

1 Defendants shall file a supplemental brief that provides argument supported by legal
2 authority to establish that all material terms of the settlement were set forth in the parties' November
3 10, 2011, written agreement, including Plaintiff's consideration for the settlement, e.g., a release of
4 liability and the terms of dismissal of the suit.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. **No later than December 7, 2012**, Defendants shall file a supplemental brief as set
7 forth above;
- 8 2. **No later than December 7, 2012**, Mr. Watkins shall have this order served
9 personally and by mail on Plaintiff, and a certificate of service shall be filed with the
10 Court no later than December 21, 2012;
- 11 3. Plaintiff shall have until **January 16, 2013**, to obtain new counsel who shall file a
12 notice of appearance with the Court before that date;
- 13 4. **On or before January 25, 2013**, Plaintiff shall file any opposition to Defendants'
14 motion to enforce the settlement;
- 15 5. Defendants' motion to enforce the settlement agreement will be held in abeyance
16 until **January 25, 2013**;

17 **Plaintiff is cautioned that, should he fail to retain new counsel or should he fail to**
18 **oppose Defendants' motion within the time provided above, the case will proceed and the**
19 **Court will issue an order on Defendants' motion to enforce the settlement.**

20
21 IT IS SO ORDERED.

22 **Dated: November 28, 2012**

23 **/s/ Sheila K. Oberto**
24 **UNITED STATES MAGISTRATE JUDGE**