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THOMAS PETROLEUM, LLC d/b/a EASTERN  
7 SIERRA OIL

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

11 THOMAS PETROLEUM, LLC d/b/a  
12 EASTERN SIERRA OIL,

13 Plaintiff,

14 vs.

15 KENNETH LLOYD, an individual, E.S.  
16 OIL, LLC, a California limited liability  
company, and DOES 1-30, inclusive,

17 Defendant.

18 KENNETH LLOYD,

19 Cross-Complainant,

20 vs.

21 THOMAS PETROLEUM, LLC,

22 Cross-Defendant.

Case No. 1:11-CV-00902-LJO-JLT

**PLAINTIFF'S UNOPPOSED MOTION TO  
VACATE SETTLEMENT CONFERENCE;  
ORDER**

23  
24 Plaintiff and Cross-Defendant Thomas Petroleum, LLC hereby moves this Court for an  
25 order to vacate the settlement conference currently set for February 27, 2012, at 10:00 a.m.

26 Plaintiff's counsel informed counsel for Defendant and Cross-Complainant Kenneth  
27 Lloyd and Defendant E.S. Oil, LLC ("Defendants") of Plaintiff's intent to move to vacate the  
28 settlement conference, and Defendants' counsel stated that he did not oppose the motion.

1 (Declaration of Mani Sheik in Support of Motion to Vacate Settlement Conference, ¶ 4.)

2 Good cause exists for granting Plaintiff's Unopposed Motion to Vacate Settlement  
3 Conference.

4 The parties were engaged in private settlement discussions from August 2011 to January  
5 2012. (*Id.* at ¶ 2.) The parties had stipulated to place the case on hold during their settlement  
6 talks, including placing a stay on all discovery. (*Id.*) On January 26, 2012, the parties ended their  
7 settlement talks without reaching an agreement. (*Id.* at ¶ 3.) With the case returning to litigation,  
8 the parties jointly agreed to lift the stay that had been in effect during their settlement talks. (*Id.*)

9 At this time, Plaintiff believes that the case is not in a posture conducive to settlement and  
10 that a settlement conference would not have a likelihood of success. Accordingly, Plaintiff  
11 respectfully requests that the Court vacate the settlement conference currently scheduled for  
12 February 27, 2012, at 10 a.m. Plaintiff will continue to evaluate the case and, if Plaintiff  
13 determines that the case has reached a settlement posture and that a settlement conference is  
14 likely to succeed, will request that the Court schedule a new conference at that time.

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16 Dated: February 14, 2012

CURIALE HIRSCHFELD KRAEMER LLP

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By: Mani Sheik, Esquire

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Donna M. Rutter  
Mani Sheik

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Attorneys for Plaintiff  
THOMAS PETROLEUM, LLC d/b/a EASTERN  
SIERRA OIL

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**ORDER**

Good cause appearing, this Court **VACATES** the settlement conference currently set on February 27, 2012. If, in the future, counsel agree that the matter is in a settlement posture, they may file a joint request that the Court set a settlement conference.

IT IS SO ORDERED.

Dated: February 15, 2012

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE