

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

TRI-DAM,

1:11-cv-01304-AWI-SMS

Plaintiff,

## **ORDER DENYING ENTRY OF JUDGMENT**

CHRIS KELLER and DAWN KELLER,

**ORDER REQUIRING FILING OF  
DISPOSITIONAL DOCUMENTS  
OR STATUS UPDATE BY JULY 15,  
2015**

Defendant.

On May 28, 2015, Tri-Dam filed a stipulation of non-monetary judgment, executed in conjunction with a settlement agreement by the parties in September of 2014. Doc. 64. The stipulation provides that judgment be entered against Chris and Dawn Keller (collectively “Defendants”) in the event of a default (and failure to timely cure) on the settlement agreement. Doc. 64 at ¶4. Tri-Dam contends that Defendants defaulted on the settlement agreement but have not submitted the settlement agreement or told the Court what conduct by Defendants has allegedly breached the agreement. Instead, Tri-Dam filed a status update indicating that Defendants had defaulted (without indicating how the default allegedly occurred) (Doc 61), then filed the stipulation for entry of judgment (Doc. 64), then when Defendants objected to its entry (Doc. 65), Tri-Dam quoted from the settlement agreement: Defendants must “conform [any installation] with the then operative Shoreline Management Plan and a Tri-Dam permit” (Doc.

1 66). As a result, this Court cannot determine the terms of the settlement agreement or whether  
2 Defendants conduct breached that settlement agreement. Accordingly, this Court will not enter  
3 judgment against Defendants.

4 The parties are ordered to meet and confer regarding this alleged breach prior to filing of  
5 any further requests of this Court. If the parties cannot come to a resolution, Tri-Dam may  
6 submit the entirety of the settlement agreement and evidence detailing the conduct that allegedly  
7 breached that agreement. Defendants may then submit any response within seven (7) days of  
8 Plaintiff's submission.

9 Unless dispositional documents are filed by July 15, 2015, Tri-Dam is ordered to file a  
10 status update, apprising the Court of any remaining obstacles to closure of this case. Failure to  
11 file a status update will result in dismissal and closure of this case.

12 IT IS SO ORDERED.

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14 Dated: June 2, 2015

  
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