1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA 9 10 11 TRAVELERS PROPERTY CASUALTY Case No.: 1:13-CV-00826 - LJO – JLT COMPANY OF AMERICA, a corporation, 12 ORDER DISCHARGING ORDER TO SHOW **CAUSE** 13 Plaintiff, 14 v. 15 CHEVRON U.S.A. INC. and KVS TRANSPORTATION, INC., 16 Defendants. 17 18 As noted in its April 2, 2014 order to show cause, on March 13, 2014, the Court conducted 19 a settlement conference at which the parties agreed upon settlement terms. (Doc. 26) The only 20 impediment was that Defendants' counsel, Mr. Braze, had to obtain final settlement authority because the agreed amount exceeded the authority that he had been given. 1 Id. Mr. Braze 21 22 represented that he would recommend settlement on the terms agreed upon. Id. 23 At that time, the Court understood—maybe through its own error—that the likelihood that 24 Counsel for Defendants indicated that due to various reasons, he could not obtain an acceptance of the settlement 25 agreement from the claims representative with whom he had prior contact. (Doc. 29 at 3) Likewise, he explained that since the settlement conference, he learned from the claims representative that the insured, now owned by a different 26 corporation, must also approve the settlement. Id. This process has not succeeded. Id. Clearly, all of this would have been avoided—or, at least, all of this information would have been known—had the claims representative been present 27 at the settlement conference as ordered. At this time, the Court does not impose sanctions for the violation of the Court's orders that this person be present (Doc. 18 at 6) but does not preclude Plaintiff from filing a motion against 28

Defendants to seek to recover Plaintiff's costs of attending the settlement conference. The Court makes no comment

as to the wisdom or propriety of such a motion.

| 1 | Defendants would not be guided by counsel's recommendation was minute; it now appears that |
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| 2 | this is not the case. (Doc. 29) Indeed, it appears that there is no certainty, even, as to the particular |
| 3 | employees of the new owners of KV Transportation who have the authority to determine whether |
| 4 | this matter will settle. Thus, the Court ORDERS : |
| 5 | 1. The order to show cause (Doc. 27), is DISCHARGED ; |
| 6 | 2. The docket will reflect that the case HAS NOT SETTLED and counsel SHALL |
| 7 | proceed with expert discovery ² and the remainder of the case as scheduled without modification. |
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| 9 | IT IS SO ORDERED. |
| 10 | Dated: April 14, 2014 /s/ Jennifer L. Thurston |
| 11 | UNITED STATES MAGISTRATE JUDGE |
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During the period when Mr. Braze sought to obtain the required settlement authority, the non-expert discovery period expired.