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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

NANCY JUNE NOVAK,  
Plaintiff,  
v.  
MERCED POLICE DEPARTMENT, et  
al.,  
Defendants.

Case No. 1:13-cv-01402-BAM  
**ORDER DISCHARGING ORDER TO  
SHOW CAUSE**  
(Doc. 80)

On December 2, 2016, the Court issued an order for Plaintiff Nancy June Novak and Defendants City of Merced, Officer Rasmussen, Sgt. Struble and Officer Chavez to show cause why sanctions should not be imposed for failing to file dispositional documents following settlement of this action. (Doc. 80). On December 6, 2016, the parties filed a joint status report in response to the Court’s order to show cause. According to the status report, counsel for the parties mistakenly believed that the other party was moving the process of settlement forward. Defendants also understood that Plaintiff’s counsel would be filing a motion for attorney’s fees, and therefore waited until the motion was filed before processing any settlement draft. The parties now represent that they have met and conferred and have agreed to perform the settlement as entered on August 23, 2016. The parties further represent that pursuant to the settlement agreement, Plaintiff’s counsel is to file a motion for attorney’s fees. At this time, the parties are discussing whether to mediate the attorney fee award in lieu of a formal motion. If the parties are unable to successfully mediate the attorney’s fees, Plaintiff’s counsel will file his motion for attorney’s fees no later than February 3, 2017.

1 In light of the joint status report, the Court's Order to Show Cause issued on December 2,  
2 2016, is HEREBY DISCHARGED and no sanctions will be imposed at this time. The parties are  
3 cautioned that additional delays in resolving this action may result in the imposition of sanctions.

4 Accordingly, it is HEREBY ORDERED as follows:

- 5 1. Plaintiff's motion for attorney's fees, if any, shall be filed on or before February 3,  
6 2017;
- 7 2. If no motion for attorney's fees is filed, the parties shall file dispositional documents  
8 to dismiss or conclude this action in its entirety on or before February 10, 2017;
- 9 3. If a motion for attorney's fees is filed, the Court shall set a separate deadline for the  
10 filing of dispositional documents following the resolution of the motion; and
- 11 4. The failure to comply with this order will result in the imposition of sanctions.  
12 Plaintiff is further advised that failure to comply with this order will result in dismissal  
13 of this action.

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15 IT IS SO ORDERED.

16 Dated: December 7, 2016

17 /s/ Barbara A. McAuliffe  
18 UNITED STATES MAGISTRATE JUDGE  
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