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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL TREBAS,
Plaintiff,
v.
SGT. BETTY MORENO, et al.,
Defendants.

No. 1:16-cv-00461-DAD-EPG

**ORDER DISCHARGING ORDER TO
SHOW CAUSE AND CONTINUING
SETTLEMENT CONFERENCE**

(Doc. 63)

On July 12, 2018, this Court ordered the parties to show cause why they should not be sanctioned for failure to comply with the Court’s May 29, 2018 order setting the settlement conference (“May 29, 2018 Order”). Plaintiff was further ordered to submit a confidential settlement statement that complied with the Court’s May 29, 2018 Order (the “OSC Order”). (Doc. 63.) The OSC Order noted that Defendants had failed to meet the Court’s deadline to submit their confidential statement by 12:00 p.m. on July 12, 2018. (*Id.*) The OSC Order further noted that Plaintiff’s confidential statement was deficient because he “failed to provide a meaningful summary of the proceedings to date” and “failed to properly outline past settlement efforts or provide the court with his settlement demand, despite a reference to an ‘attached’

1 document, which was not provided to the Court.” (*Id.*)

2 On July 13, 2018, Defendants filed a response to the OSC Order stating that his failure to
3 comply with the May 29, 2018 Order was due to an inadvertent scheduling error. (Doc. 64.)
4 Plaintiff also submitted a response to the OSC Order on July 13, 2018. (Doc. 65.) Plaintiff’s
5 response stated that he was traveling on “July 18, 2018,” and did not notice that his confidential
6 statement was not properly delivered to the Court. (*Id.*) The Court notes that Plaintiff has still
7 not submitted a confidential settlement statement that outlines past settlement efforts or provides
8 the Court with his settlement demand—as required by the Court’s May 29, 2018 Order. Instead,
9 Plaintiff simply re-forwarded his previous email of July 11, 2018 to the Court.
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11 The Court expects all parties to avail themselves of the Local Rules of the U.S. District
12 Court for the Eastern District of California and Federal Rules of Civil Procedure to ensure that
13 documents are submitted in a timely manner and in compliance with all applicable rules.
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15 Although Plaintiff’s response appears to refer to an erroneous date when he was traveling,
16 the Court finds that the parties have adequately explained why their submissions were not timely
17 and discharges the order to show cause. Based on the parties’ current submissions, however, it is
18 apparent that they are *not* prepared to proceed with a settlement conference at this time.

19 Accordingly, the Court hereby ORDERS that:

- 20 1. The order to show cause issued July 13, 2018, (Doc. 63), be discharged;
- 21 2. The settlement conference set for July 17, 2018 (Doc. 57), is continued to
22 January 17, 2019, at 10:00 a.m. in Courtroom 7 (SKO) before Magistrate
23 Judge Sheila K. Oberto; and
- 24 3. The parties shall submit to the Court, via e-mail to
25 SKOorders@caed.uscourts.gov, updated confidential settlement conference
26 statements that comply with the Court’s May 29, 2018 Order, by no later than
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January 10, 2019. Each party shall also file a Notice of Submission of Confidential Settlement Conference Statement (*See* L.R. 270 (d)).

The Court has discretion to impose any and all sanctions authorized by statute or Rule or within the inherent power of the Court, based on any parties' failure to comply with this order. Fed. R. Civ. P. 11; Local Rule 110.

IT IS SO ORDERED.

Dated: July 13, 2018

/s/ Sheila K. Olerto
UNITED STATES MAGISTRATE JUDGE