

1 MCGREGOR W. SCOTT
United States Attorney
2 JOSEPH B. FRUEH
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 E-mail: joseph.frueh@usdoj.gov
Telephone: (916) 554-2702
5 Facsimile: (916) 554-2900

6 Attorneys for Defendants
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9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
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12 ISSAM ELIE KNICKERBOCKER,
13 Plaintiff,
14 v.
15 UNITED STATES OF AMERICA, et al.,
16 Defendants.

Case No. 1:16-cv-01811-DAD-JLT

**[PROPOSED] ORDER GRANTING IN PART
DEFENDANTS' EX PARTE APPLICATION
TO VACATE SETTLEMENT CONFERENCE**
(Doc. 96)

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18 The defendants report that despite the Court's order (Doc. 59 at 6-7), the plaintiff has failed to
19 submit to them a settlement demand (Doc. 96-1). Plaintiff's counsel argues that he case is currently
20 "settleable" (Doc. 97), though why he believes this is not explained. Notably, the defendants' report that
21 they are not prepared to extend a settlement offer that they believe would be accepted by the plaintiff.
22 (Doc. 96-1) They say that the case is not in a settlement posture and it will only obtain this posture, if at
23 all, once they receive the ruling on their pending motion for summary judgment (Doc. 91). *Id.* Though
24 the plaintiff's counsel is willing for the settlement conference to be moved to late September, the Court
25 knows that a ruling on the motion for summary judgment is extremely unlikely to issue by that time.
26 Because the Court finds it a waste of resources to conduct a settlement when one side contends that the
27 ability to settle depends upon a ruling from the Court—which has not yet issued—the Court **ORDERS:**
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