

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KIMBERLY JORDAN,

Case No. 1:19-cv-01527-AWI-SAB

Plaintiff,

ORDER REQUIRING PARTIES TO FILE
JOINT STATEMENT RE SETTLEMENT
AND SETTING TRIAL DATE

FCA US LLC,

(ECF No. 19)

Defendant.

SEVEN DAY DEADLINE

On October 9, 2020, the District Judge vacated the trial date in this matter and ordered

the parties to schedule a settlement conference. (ECF No. 14.) On November 17, 2020, a

settlement conference was held but the parties did not reach settlement. (ECF No. 17.) On July

9, 2021, counsel for Plaintiff filed an *ex parte* declaration proffering that on or about November

23, 2020, Plaintiff and Defendant agreed to a settlement amount in this case; that Plaintiff's

counsel has followed up with Defendant's counsel at least a dozen separate times requesting a

release; and thus given the Defendant does not appear serious in trying to resolve the matter,

Plaintiff requests a pretrial conference and trial date be set within the next 90 to 120 days.

(ECF No. 19.)

If a party believes that a binding settlement has been reached, but the other side disagrees

or refuses to acknowledge a settlement or otherwise refuses to perform, then the appropriate

course is to file a motion to enforce settlement. Courts have the power to enforce settlements

1 (9th Cir. 1987); Dacanay v. Mendoza, 573 F.2d 1075, 1078 (9th Cir. 1978) (“[I]t is equally well
2 settled in the usual litigation context that courts have inherent power summarily to enforce a
3 settlement agreement with respect to an action pending before it; the actual merits of the
4 controversy become inconsequential.”).

5 The Court shall require the parties to submit a joint status report concerning this proffer
6 by Plaintiff’s counsel regarding settlement and the request to set a trial date. The joint report
7 should be filed with the understanding that if any party believes a settlement has been reached
8 and is enforceable under the standards described in the above cases, the Court will be disinclined
9 to set a trial date and will instead direct the party to file a motion to enforce settlement.

10 Accordingly, IT IS HEREBY ORDERED that the parties shall file a joint statement
11 within seven (7) days of entry of this order addressing whether any party believes they have
12 reached settlement, and the setting of a trial date in this matter.

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14 IT IS SO ORDERED.

15 Dated: July 14, 2021



UNITED STATES MAGISTRATE JUDGE

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