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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10 KIMBERLY JORDAN,

11 Plaintiff,

12 v.

13 FCA US LLC,

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

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

(ECF No. 19)

SEVEN DAY DEADLINE

16 On October 9, 2020, the District Judge vacated the trial date in this matter and ordered
17 the parties to schedule a settlement conference. (ECF No. 14.) On November 17, 2020, a
18 settlement conference was held but the parties did not reach settlement. (ECF No. 17.) On July
19 9, 2021, counsel for Plaintiff filed an *ex parte* declaration proffering that on or about November
20 23, 2020, Plaintiff and Defendant agreed to a settlement amount in this case; that Plaintiff's
21 counsel has followed up with Defendant's counsel at least a dozen separate times requesting a
22 release; and thus given the Defendant does not appear serious in trying to resolve the matter,
23 Plaintiff requests a pretrial conference and trial date be set withing the next 90 to 120 days.
24 (ECF No. 19.)

25 If a party believes that a binding settlement has been reached, but the other side disagrees
26 or refuses to acknowledge a settlement or otherwise refuses to perform, then the appropriate
27 course is to file a motion to enforce settlement. Courts have the power to enforce settlements
28 that have been reached in the cases pending before them. See Callie v. Near, 829 F.2d 888, 890

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.

13 IT IS SO ORDERED.

14 Dated: July 14, 2021

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UNITED STATES MAGISTRATE JUDGE