

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

SIERRA CONSTRUCTION & EXCAVATION, INC.,

Plaintiff,

ENDURANCE ASSURANCE CORPORATION

Defendant

| Case No. 1:23-cv-01139-SAB

**ORDER EXTENDING TIME FOR
DISPOSITIONAL DOCUMENTS TO BE
FILED**

(ECF No. 11)

On October 30, 2023, the parties filed a joint scheduling report pursuant to Federal Rule of Civil Procedure 26(f) wherein the parties proffered they reached a settlement and anticipated having the settlement agreement finalized within fourteen days. (ECF No. 9.) The Court vacated the pending scheduling conference and ordered the parties to file dispositional documents no later than November 21, 2023 pursuant to Local Rule 160. (ECF No. 10.)

On November 13, 2023, counsel for Plaintiff filed a declaration “in support [of Plaintiff’s] request for extension of time to file dispositional documents.” (Declaration of Timothy Scanlon (“Scanlon Decl.”), ECF No. 11.) However, no other corresponding documents were filed. Specifically, Plaintiff failed to file a motion for extension of time or a proposed order and failed to submit by email a separate proposed order in Word format to the Magistrate Judge as required

1 by Local Rule 137. The Court recognizes Plaintiff's pleading deficiencies; however, in the
2 interest of expediency, preserving court resources, and given Plaintiff counsel's request is made
3 over a week prior to the deadline to submit dispositional documents, the Court construes Plaintiff
4 counsel's declaration as a request to extend the deadline to file dispositional documents.

5 Plaintiff's counsel proffers the parties fully executed a settlement agreement on November
6 8, 2023. (Scanlon Decl. ¶ 4.) Plaintiff's counsel estimates the settlement payment will not be
7 made until approximately December 8, 2023, and the check will be held by the bank for up to 15
8 days prior to disbursement. (*Id.* at ¶ 4-5.) Plaintiff's counsel represents that Plaintiff therefore
9 seeks an extension to file dispositional documents until December 23, 2023 to ensure payment of
10 the settlement sum prior to dismissal of the action. (*Id.* at ¶ 6.) The Court shall grant the
11 requested extension, up to December 23, 2023, to file dispositional documents. However, the
12 parties are advised that no further extensions of time shall be granted absent a strong showing of
13 good cause. Furthermore, the parties are reminded that, once the terms of a settlement agreement
14 are finalized and the settlement agreement is signed by the parties, the Court generally does not
15 retain jurisdiction to oversee that the parties comply with the terms of the settlement, absent a
16 properly noticed motion seeking such relief.

17 Accordingly, IT IS HEREBY ORDERED that the parties shall file dispositional
18 documents no later than **December 23, 2023**.

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20 IT IS SO ORDERED.

21 Dated: November 14, 2023



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UNITED STATES MAGISTRATE JUDGE