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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH DAVID VINCZE,

Plaintiff,

No. CIV S-02-1719 LKK KJM P

vs.

LEON ROBINSON,

Defendant.

ORDER AND ORDER TO SHOW CAUSE

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It is worth reviewing briefly the history of this case, which was filed nearly eight years ago. After an appeal of this court’s dismissal of the action in 2003, the case was returned to the court in 2004, more than six years ago. Current counsel for defendant has been designated on this case for more than five years. Counsel for plaintiff was appointed more than sixteen months ago. The case has twice been set for trial since 2004. It has twice been referred to the court’s ADR Coordinator for the setting of a settlement conference. Counsel for each party has missed multiple deadlines, suggesting deficiencies in each counsel’s calendaring systems. Of relevance at present, a settlement agreement was reached in this case following a settlement conference on March 17, 2010. The docket entry for that date indicates that “Plaintiff has agreed to dismiss this case with prejudice pursuant to the terms of settlement as discussed on the record.” On April 2, 2010, the court ordered the parties to file their stipulation of dismissal

1 within sixty days. On June 10, 2010, the court issued an order to show cause because neither the  
2 stipulation of dismissal nor a request for extension of time had been timely filed. On June 25,  
3 2010, based on the parties' responses, the court discharged the order to show cause and ordered  
4 the parties to file their stipulation of dismissal within thirty days. As of the signing of this order,  
5 the stipulation still has not been filed, and no request for extension of time was filed before the  
6 expiration of the thirty day period.

7           On August 3, 2010, after the time for filing the stipulation of dismissal had run,  
8 counsel for defendant filed a document with the court indicating she had tried to contact counsel  
9 for plaintiff so they could prepare the stipulation of dismissal, but counsel had not responded. In  
10 this filing, counsel did not indicate when she attempted to contact plaintiff's counsel. On August  
11 4, 2010, defendant's counsel filed another document with the court, having heard from plaintiff's  
12 counsel "immediately after filing the [first] notice"; this second filing indicates that "a dispute  
13 has arisen over the terms of the settlement agreement."

14           In light of the foregoing, and good cause showing, IT IS HEREBY ORDERED as  
15 follows:

16           1. Counsel for each party shall provide to the court, **by Friday, August 13, 2010**,  
17 the form of settlement agreement that counsel believes reflects "the terms of settlement as  
18 discussed on the record" at the March 17, 2010 settlement conference. If counsel are able to  
19 resolve their dispute regarding the terms of settlement prior to August 13, 2010, then counsel  
20 shall file their stipulation of dismissal by that date.

21           2. Each counsel shall personally appear before the court at **10:00 a.m. on August**  
22 **25, 2010**. If counsel have not resolved their dispute regarding the terms of settlement, they each  
23 shall be prepared to explain why the form of settlement agreement he or she has proposed is the  
24 form that memorializes the settlement reached on March 17, 2010.

25           3. Each counsel also shall be prepared, on August 25, 2010, to show cause why  
26 he or she should not each be sanctioned \$500.00 for failing to comply with the court's order

1 of June 25, 2010 by either timely filing the stipulation of dismissal or by requesting additional  
2 time and indicating within the period of time allowed why filing a stipulation of dismissal still  
3 was not possible.

4           4. The Clerk of Court is directed to send a copy of this order to Kenneth R.  
5 Williams, Supervising Deputy Attorney General, who also attended the settlement conference on  
6 March 17, 2010.

7 DATED: August 5, 2010.

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11 U.S. MAGISTRATE JUDGE