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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EDWARD L. KEMPER and
CONNIE J. ARNOLD, for
themselves and all others
similarly situated,

NO. CIV. S-06-295 LKK/EFB

Plaintiffs,

v.

O R D E R

CATHOLIC HEALTHCARE WEST,

Defendant.

_____ /

Pending before the court in the above captioned case is Plaintiffs' motion for an evidentiary hearing on their individual damages, ECF No. 121, currently set to be heard on December 5, 2011. Plaintiffs' counsel has also filed an unopposed motion to appear at the December 5, 2011 hearing telephonically. Pls' Mot., ECF No. 123.

In Defendants' opposition to Plaintiffs' motion, Defendants request the court to schedule a mandatory settlement conference 90-120 days from now, in lieu of an evidentiary hearing, to address the issue of damages. Defs' Opp'n, ECF No. 124, at 2. Defendants

1 state that "[i]n the event the parties are unable to come to an
2 agreement as a result of the Settlement Conference, CHW would then
3 have no objection with the Court setting the case for a trial on
4 the issue of damages alleged by Plaintiff or scheduling some other
5 form of hearing in order to resolve the issue of damages." Id.
6 Defendants also assert that "CHW presented its proposal to Class
7 Counsel prior to filing this Opposition" and that "Class Counsel
8 indicated that it agreed with CHW's proposal." Id. Although
9 Plaintiffs have not filed a reply brief, the court has been
10 notified that Plaintiffs, indeed, agree with Defendants' proposal.

11 Accordingly, the court orders as follows:

12 [1] Plaintiffs' motion for an evidentiary hearing is
13 DENIED, without prejudice.

14 [2] The hearing currently set for December 5, 2011 is
15 VACATED.

16 [3] Plaintiffs' motion to appear at the December 5, 2011
17 hearing telephonically is DENIED as moot.

18 [4] A Settlement Conference before Magistrate Judge Dale
19 A. Drozd is SET for March 22, 2012 at 10:00 A.M.

20 Counsel are directed to submit settlement conference
21 statements to the settlement judge not later than March
22 15, 2012. Settlement conference statements should be
23 sent to: dadorders@caed.uscourts.gov. At counsel's
24 option, such statements may be submitted in confidence
25 pursuant to Local Rule 270(d).

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IT IS SO ORDERED.

DATED: November 30, 2011.



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT