

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

ABEL CANO,

Plaintiff, No. CIV S-07-2203 JAM GGH P

VS.

B. NAKU, et al.,

Defendants. ORDER

ORDER

Having reviewed the responses by both parties to the order, filed on December 23, 2007, the Court is unable to determine whether plaintiff is willing to engage in further settlement negotiations proposed as an alternative by the defendant to his request that the initial settlement be final. In order for another settlement conference to be scheduled, plaintiff must be aware that if further negotiations result in an agreement to settle, the settlement will be binding as soon as it is agreed to by both parties. Plaintiff will not be permitted to wait to see if the defendant complies with his satisfaction, and whether or not plaintiff signs any such agreement will not be a positive factor. Rather, an oral agreement at the settlement conference to new terms and conditions will be binding.

¹ No party has made a formal motion to enforce the settlement. It is not enough for defendant to ask the court to enforce the settlement as part of his response to the court's order, particularly when defendant makes an admission that at least one of the terms has not been complied with by defendant.

1 conditions will be sufficient. The parties may, of course, agree that this court will retain
2 jurisdiction for a limited period to mediate any dispute as to the terms or conditions of any future
3 settlement. If plaintiff does not agree to another settlement conference, this matter will be re-set
4 for trial.

5 Accordingly, IT IS ORDERED that:

6 1. Plaintiff is to inform the court within fourteen days whether or not he would be
7 amenable to another settlement conference; and
8 2. Failure of plaintiff to agree to another settlement conference will result in this
9 matter being re-set for trial.

10 DATED: February 7, 2011

11 /s/ Gregory G. Hollows

12

 GREGORY G. HOLLOWWS
13 UNITED STATES MAGISTRATE JUDGE

14 GGH:009
15 cano2203.ord3

16

17

18

19

20

21

22

23

24

25

26