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

RITA NAVARRO,)	
)	2:08-cv-00527-GEB-EFB
Plaintiff,)	
)	
v.)	<u>ORDER RE: SETTLEMENT</u>
)	<u>AND DISPOSITION</u>
SEARS LIFE INSURANCE COMPANY,)	
MARKET USA, INC.,)	
)	
Defendants.)	
_____)	

Plaintiff filed a Notice of Settlement on April 1, 2010, in which Plaintiff said "this entire action has settled." (Docket No. 58.) Accordingly, the parties were ordered to file a dispositional document no later than May 3, 2010. (Docket No. 59.) The parties subsequently filed a joint statement on May 3, 2010, in which they stated:

A final settlement for the disposition of Plaintiff's [operative pleading] is currently being circulated for execution by the parties. The parties anticipate the filing of a stipulation of dismissal of Plaintiff's Complaint with prejudice shortly. Sears and [Market USA, Inc.] are currently discussing the resolution of the cross-claim and anticipate submitting a document disposing of the cross-claim within 30 days.

(Docket No. 60, 1:24-28.)

Therefore, contrary to what was stated in Plaintiff's Notice of Settlement, the entire matter had not settled at the time the April 1 Notice was filed. Plaintiff had only settled its claims with Defendants.

1 Then, on June 21, 2010, Defendants Sears Life Insurance
2 Company and Market USA, Inc. filed a Notice of Settlement in which they
3 state:

4 Defendants previously reached a settlement with
5 Plaintiff and a Stipulation for Dismissal with
6 Prejudice As to Plaintiff's First Amended Complaint
7 is being concurrently filed. Sears and [Market USA,
8 Inc.] are preparing a formal settlement agreement
9 and anticipate that a stipulation for dismissal
with prejudice of Sears' Cross-Complaint against
[Market USA, Inc.] will be filed with the Court
within 15 days of the filing of this notice. With
the filing of the dismissal of the cross-claim,
this action will be terminated in its entirety.

10 (Docket No. 62, 1:25-2:2.)

11 Based upon the June 21 Notice of Settlement, which states that
12 both Plaintiff's underlying complaint and Sears Life Insurance Company's
13 cross-claim have been settled, a dispositional document shall be filed
14 no later than July 6, 2010. Failure to respond by this deadline may be
15 construed as consent to dismissal of this action without prejudice, and
16 a dismissal order could be filed. See L.R. 160(b) ("A failure to file
17 dispositional papers on the date prescribed by the Court may be grounds
18 for sanctions.").

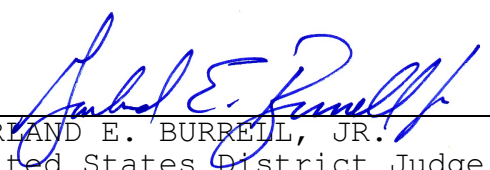
19 The final pretrial conference scheduled for June 28, 2010, is
20 reset to commence at 1:30 p.m. on July 12, 2010, in the event that the
21 above referenced dispositional documents are not filed, or this action
22 is not otherwise dismissed. Further, a joint pretrial statement shall be
23 filed no later than July 6, 2010, unless a dispositional document
24 resolving the action is filed on or before this date.¹

25
26 ¹ The final pretrial conference will remain on calendar, because
27 the mere representation that an action has been settled does not justify
28 removal of the action from a district court's trial docket. Cf. Callie
v. Near, 829 F.2d 888, 890 (9th Cir. 1987) (indicating that a
representation that claims have been settled does not necessarily
(continued...)

1 Further, the parties are cautioned to ensure all filings,
2 including Notices of Settlement, contain complete and accurate
3 information. The Court relies upon the parties' representations in
4 managing its docket. Accurate information is necessary to avoid
5 unnecessary delays and problems in the administration of its cases.

6 IT IS SO ORDERED.

7 Dated: June 22, 2010

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11 GARLAND E. BURRELL, JR.
12 United States District Judge
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¹(...continued)
establish the existence of a binding settlement agreement).