

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

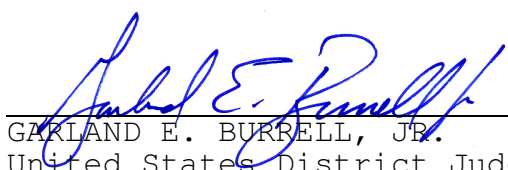
SCOTT N. JOHNSON,	)	
	)	2:08-cv-02377-GEB-DAD
Plaintiff,	)	
	)	
v.	)	<u>ORDER RE: SETTLEMENT</u>
	)	<u>AND DISPOSITION; and</u>
PREMIER POOLS, INCORPORATED, d/b/a )	)	<u>ORDER CONTINUING STATUS</u>
Premier Pools & Spas; P & H )	)	<u>(PRETRIAL SCHEDULING)</u>
PROPERTIES, a California General )	)	<u>CONFERENCE</u>
Partnership,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff's Status Report filed January 5, 2009, states "Plaintiff and Defendant[s] have settled this action and are in the process of finalizing a settlement agreement." However, Plaintiff fails to indicate when a dispositional document is expected to be filed. Therefore, a dispositional document shall be filed no later than January 26, 2009. See L.R. 16-160(b) (stating a date for filing a document disposing of the action "shall not be more than twenty (20) calendar days from the date of [the settlement] notification . . . "). Failure to file a dispositional document by this deadline may be construed as consent to dismissal of this action without prejudice, and a dismissal order could be filed.

1           The status (pretrial scheduling) conference scheduled for  
2 January 20, 2009, is reset to commence at 9:00 a.m. on March 16,  
3 2009, in the event that the above referenced dispositional document  
4 is not filed. Further, a joint status report shall be filed fourteen  
5 (14) days prior to the status conference.<sup>1</sup>

6           IT IS SO ORDERED.

7 Dated: January 8, 2009

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10 GARLAND E. BURRELL, JR.  
11 United States District Judge  
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25           <sup>1</sup> The status (pretrial scheduling) conference will remain on  
26 calendar, because the mere representation that an action has been  
27 settled does not justify removal of the action from a district  
28 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 establish the existence of a binding  
settlement agreement).