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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 WARN INDUSTRIES, an Oregon)
corporation,) 2:08-cv-02595-GEB-DAD
12)
Plaintiff,) ORDER RE: SETTLEMENT
13) AND DISPOSITION
v.)
14)
CHAMPION POWER EQUIPMENT, INC., a)
15 California corporation,)
16 Defendant.)
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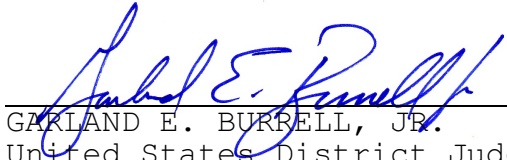
18 Plaintiff's Notice of Settlement filed on April 1, 2009,
19 states "the parties in this action have reached a settlement," and
20 that "the settlement will be completed next week so that the
21 parties may file the Stipulation no later than April 10, 2009."
22 Therefore, a dispositional document shall be filed no later than
23 May 1, 2009. Failure to respond by this deadline may be construed
24 as consent to dismissal of this action without prejudice, and a
25 dismissal order could be filed. See L.R. 16-160(b) ("A failure to
26 file dispositional papers on the date prescribed by the Court may
27 be grounds for sanctions.").

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1 The status conference scheduled for April 13, 2009, is
2 reset for hearing on June 1, 2009 at 9:00 a.m., in the event that
3 no dispositional document is filed, or if this action is not
4 otherwise dismissed. Further, a joint status report shall be filed
5 fourteen days prior to the status conference.¹

6 IT IS SO ORDERED.

7 Dated: April 3, 2009

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10 GARLAND E. BURRELL, JR.
11 United States District Judge
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25 ¹ The status conference will remain on calendar, because
26 the mere representation that an action has been settled does not
27 justify removal of the action from a district court's trial docket.
28 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).