

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

WARN INDUSTRIES, an Oregon corporation, )  
Plaintiff, )  
v. )  
CHAMPION POWER EQUIPMENT, INC., a California corporation, )  
Defendant. )  
)  
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)  
2:08-cv-02595-GEB-DAD  
ORDER RE: SETTLEMENT AND DISPOSITION

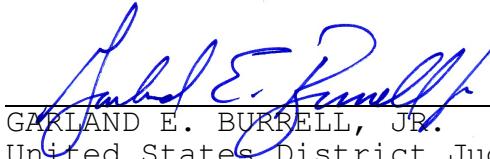
Plaintiff's Notice of Settlement filed on April 1, 2009, states "the parties in this action have reached a settlement," and that "the settlement will be completed next week so that the parties may file the Stipulation no later than April 10, 2009." Therefore, a dispositional document shall be filed no later than May 1, 2009. Failure to respond by this deadline may be construed as consent to dismissal of this action without prejudice, and a dismissal order could be filed. See L.R. 16-160(b) ("A failure to file dispositional papers on the date prescribed by the Court may 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.<sup>1</sup>

6 IT IS SO ORDERED.

7 Dated: April 3, 2009

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10 GARLAND E. BURRELL, JR.  
United States District Judge

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