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

EDWARD L. KEMPER,)	
)	2:08-cv-02777-GEB-DAD
Plaintiff,)	
)	
v.)	<u>ORDER RE: SETTLEMENT AND</u>
)	<u>CONTINUING DATES</u>
FOLSOM-CORDOVA UNIFIED SCHOOL)	
DISTRICT, a public entity,)	
)	
Defendant.)	
_____)	

Plaintiff filed a "Notice of Settlement" on October 12, 2011, in which he states, "this matter has settled." (ECF No. 88.) In light of this Notice, and since trial is scheduled to commence in this action on November 8, 2011, parts of the Final Pretrial Order are amended for the purpose of providing the parties time to confirm their settlement on the record; however, the referenced rescheduled dates in the Final Pretrial Order shall be vacated if the parties have an enforceable settlement. Cf. Callie v. Near, 829 F.2d 888, 890 (9th Cir. 1987) (indicating that a representation that a case has settled does not necessarily establish the existence of a complete settlement agreement). A hearing will be scheduled as soon as practicable at which the parties can confirm on the record their settlement; counsel shall meet and confer about when to

1 schedule the hearing—it shall be scheduled sometime on October 14, 2011,
2 if feasible, and counsel and/or the party or party representative
3 appearing at the hearing shall have authority to discuss the settlement
4 terms. If case has been settled, the trial and other dates in the Final
5 Pretrial Order shall be vacated.

6 In light of the representation that this case has settled, the
7 Final Pretrial Order is modified as follows:

8 Trial is scheduled to commence at 9:00 a.m. on November 15,
9 2011.

10 A motion in limine opposition or a non-opposition shall be
11 filed no later than 4:00 p.m. on October 21, 2011. Any reply shall be
12 filed no later than 4:00 p.m. on October 28, 2011.

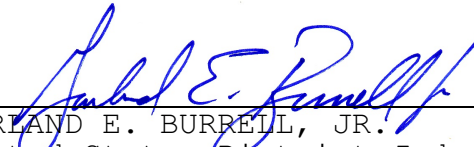
13 Trial briefs shall be filed no later than October 21, 2011.

14 Jury instructions on the claims and affirmative defenses,
15 proposed voir dire, and special jury interrogatories, and verdict forms
16 shall be filed no later than October 21, 2011.

17 The parties are directed to exchange with each other, no later
18 than October 24, 2011, copies of all of their respective exhibits.

19 IT IS SO ORDERED.

20 Dated: October 13, 2011

21
22 
23 _____
GARLAND E. BURRELL, JR.
United States District Judge