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

BRYAN THEODORE,)	
)	2:09-cv-00962-GEB-GGH
Plaintiff,)	
)	<u>ORDER RE: SETTLEMENT</u>
v.)	<u>AND DISPOSITION</u>
)	
I.Q. DATA INTERNATIONAL, INC.,)	
)	
Defendant.)	
_____)	

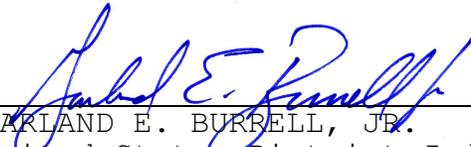
On June 17, 2009, Plaintiff filed a Notice of Settlement in which he states "a settlement of the present matter has been reached . . . which Plaintiff anticipates will be finalized within the next 40 days." Therefore, a dispositional document shall be filed no later than July 27, 2009. Failure to respond 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.").

Further, the status (pretrial scheduling) conference scheduled for July 13, 2009, is rescheduled to commence at 9:00 a.m. on August 24, 2009, in the event that no dispositional document is

1 filed, or if this action is not otherwise dismissed. A joint status
2 report shall be filed fourteen days prior to the status conference.¹

3 IT IS SO ORDERED.

4 Dated: June 30, 2009

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8 GARLAND E. BURRELL, JR.
9 United States District Judge
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25 _____
26 ¹ The status conference will remain on calendar, because
27 the mere representation that an action has been settled does not
28 justify 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 establish the existence of a binding settlement
agreement).