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

CALPINE OPERATING SERVICES)	
COMPANY, INC., a Delaware)	2:09-cv-01495-GEB-DAD
Corporation; CALPINE GILROY)	
COGEN, LP, a Delaware)	
Corporation,)	<u>ORDER RE: SETTLEMENT AND</u>
)	<u>DISPOSITION</u>
Plaintiffs,)	
)	
v.)	
)	
ELECTRICAL MAINTENANCE)	
CONSULTANTS, INC., a California)	
Corporation,)	
)	
Defendant.)	
_____)	

Plaintiffs filed a "Notice of Settlement" on March 10, 2011, in which they state:

Plaintiffs Calpine Operating Services Company, Inc. and Calpine Gilroy Cogen, LP (collectively "Calpine") and defendant Electrical Maintenance Consultants, Inc. ("EMC") have agreed on a settlement of this matter. The Parties have agreed on the terms of settlement and are currently in the process of executing a written settlement agreement. The undersigned expects that a stipulated request for dismissal with prejudice will be filed with this Court on or before March 25, 2011.

(ECF No. 43, 2:2-7.)

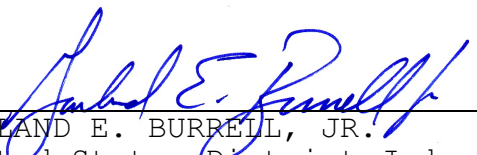
Therefore, a dispositional document shall be filed no later than March 31, 2011. Failure to respond by this deadline may be construed as consent to dismissal of this action without prejudice, and

1 a dismissal order could be filed. See L.R. 160(b) ("A failure to file
2 dispositional papers on the date prescribed by the Court may be grounds
3 for sanctions.").

4 The trial scheduled to commence on April 19, 2011, will remain
5 on calendar in the event no dispositional document is filed, or if this
6 action is not otherwise dismissed.¹

7 IT IS SO ORDERED.

8 Dated: March 10, 2011

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11 _____
12 GARLAND E. BURRELL, JR.
13 United States District Judge
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25 _____
26 ¹ The trial will remain on calendar because the mere
27 representation that a case has been settled does not justify vacating
28 the trial commencement date. Cf. Callie v. Near, 829 F.2d 888, 890 (9th
Cir. 1987) (indicating a representation that claims have been settled
does not necessarily establish the existence of a binding settlement
agreement).