

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

SCOTT N. JOHNSON,)
)
Plaintiff,)
)
v.)
)
ROBERT M. ALEXANDER, individually)
and d/b/a Robert M. Alexander,)
D.D.S., MS; David W. Wistrom,)
individually and d/b/a David W.)
Wistrom, D.D.S.; FLG Holdings,)
LLC, a California limited)
liability company; ANDREW M.)
HARRAGON, individually and as)
Trustee of the Harragon Family)
Trust created November 8, 1999;)
JOAN E. HARRAGON, individually and)
as Trustee of the Harragon Family)
Trust Created November 8, 1989,)
)
Defendants.)
)

2:09-cv-01763-GEB-DAD

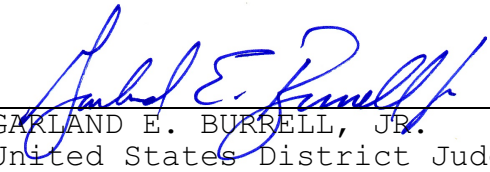
ORDER RE: SETTLEMENT
AND DISPOSITION

On November 16, 2009, Plaintiff filed a Notice of Settlement in which Plaintiff states "the parties have settled this action." Therefore, a dispositional document shall be filed no later than December 7, 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.").

1 The status conference scheduled for November 30, 2009 is
2 continued to commence at 9:00 a.m. on January 19, 2010, in the event
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: November 16, 2009

8
9 
10 _____
11 GARLAND E. BURRELL, JR.
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24

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 discontinuance of calendaring a scheduling proceeding. 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).