

1
2
3
4
5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE EASTERN DISTRICT OF CALIFORNIA
7

8 Scott N. Johnson,)
9 Plaintiff,) 2:09-cv-01786-GEB-JFM
10 v.) ORDER RE: SETTLEMENT AND
11 MLP-TWO, LLC,) DISPOSITION
12 Defendant.)
13 _____)

14 Plaintiff filed a "Notice of Settlement" on June 9, 2011, in
15 which he states, "the parties have settled this action[, and
16 d]ispositional documents will be filed within (30) calendar days." (ECF
17 No. 12.)

18 Therefore, a dispositional document shall be filed no later
19 than July 10, 2011. Failure to respond by this deadline may be construed
20 as consent to dismissal of this action without prejudice, and a
21 dismissal order could be filed. See E.D. Cal. R. 160(b) ("A failure to
22 file dispositional papers on the date prescribed by the Court may be
23 grounds for sanctions.").

24 Further, the final pretrial conference scheduled for hearing
25 on July 25, 2011, will remain on calendar in the event no dispositional
26 document is filed, or if this action is not otherwise dismissed.¹ A
27

28 _____
¹ The final pretrial conference will remain on calendar, because
(continued...)

1 joint pretrial statement shall be filed seven (7) days prior to the
2 final pretrial conference.

3 IT IS SO ORDERED.

4 Dated: June 14, 2011

5
6 
7 GARLAND E. BURRELL, JR.
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

25 _____
26 ¹(...continued)
27 the mere representation that a case has been settled does not justify
28 vacating 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).