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

JOSEPH LEE,)	
)	2:09-cv-01854-GEB-KJN
Plaintiff,)	
)	
v.)	<u>ORDER RE: SETTLEMENT AND</u>
)	<u>DISPOSITION</u>
KAISER PERMANENTE WELFARE)	
BENEFIT PLAN,)	
)	
Defendant.)	

Plaintiff filed a "Notice of Settlement" on January 21, 2011, in which he states:

Plaintiff, JOSEPH LEE, and Defendant, KAISER PERMANENTE WELFARE BENEFIT PLAN, have settled the above referenced case. This settlement is contingent upon the execution of a written settlement agreement. The case will be dismissed by Plaintiff upon execution of said settlement agreement. Please vacate all currently scheduled dates.

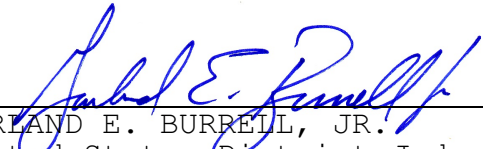
(ECF No. 56.) Therefore, a dispositional document shall be filed no later than February 11, 2011. Failure to respond by this deadline may be construed as consent to dismissal of this action without prejudice, and a dismissal order could be filed. See L.R. 160(b) ("A failure to file dispositional papers on the date prescribed by the Court may be grounds for sanctions.").

The final pretrial conference scheduled for October 24, 2011, will remain on calendar in the event no dispositional document is filed,

1 or if this action is not otherwise dismissed.¹ Further, a joint pretrial
2 statement shall be filed seven (7) days prior to the final pretrial
3 conference.

4 IT IS SO ORDERED.

5 Dated: January 24, 2011

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9 GARLAND E. BURRELL, JR.
10 United States District Judge
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25 ¹ All currently scheduled dates are not vacated since the
26 representation that parties have reach a settlement "contingent upon the
27 execution of a written settlement agreement" does not justify vacating
28 "all currently scheduled dates." 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).