

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

8 VICTORIA McCARTHY, KATHERINE  
9 SCHMITT,

10 Plaintiff,

11 v.

12 R.J. REYNOLDS TOBACCO CO., and  
13 DOES 1-10,

14 Defendants.  
15

)  
) 2:09-cv-02495-WBS-DAD  
)  
)

) ORDER  
)  
)  
)  
)  
)  
)  
)

16 Since the parties' confidential settlement statements reveal  
17 it would not be fruitful to conduct the settlement conference scheduled  
18 for May 19, 2011, that settlement conference is vacated. However, if  
19 the parties still desire a settlement conference they should ascertain  
20 whether the trial judge is willing to select another settlement judge.

21 IT IS SO ORDERED.

22 Dated: May 13, 2011

23   
24 GARLAND E. BURRELL, JR.  
25 United States District Judge  
26  
27  
28