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

UNITED STATES OF AMERICA,)	
)	2:09-cv-02877-GEB-EFB
Plaintiff,)	
)	
v.)	<u>ORDER RE: SETTLEMENT AND</u>
)	<u>DISPOSITION</u>
PACIFIC GAS AND ELECTRIC)	
COMPANY; WESTERN ENVIRONMENTAL)	
CONSULTANTS, INC.,)	
)	
Defendants.)	
_____)	

Plaintiff filed a "Notice of Settlement" on November 23, 2011, and it "requests 90 days to file final dispositional papers[.]" (ECF No. 35.)

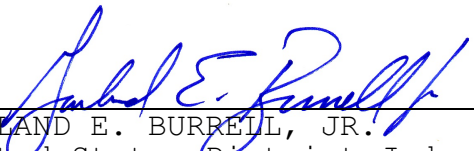
Therefore, a dispositional document shall be filed no later than February 21, 2012. Failure to respond by this deadline may be construed as consent to dismissal of this action without prejudice, and a dismissal order could be filed. See E.D. Cal. R. 160(b) ("A failure to file dispositional papers on the date prescribed by the Court may be grounds for sanctions.").

Further, the final pretrial conference scheduled for hearing on May 14, 2012, shall remain on calendar, in the event no dispositional

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

4 IT IS SO ORDERED.

5 Dated: November 28, 2011

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9 GARLAND E. BURRELL, JR.
10 United States District Judge
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25 _____
26 ¹ The final pretrial conference will remain on calendar, because
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).