

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,)	
)	2:10-cv-01541-GEB-KJM
Plaintiff,)	
)	
v.)	<u>ORDER RE: SETTLEMENT AND</u>
)	<u>DISPOSITION</u>
Wasatch Pool Holdings, LLC, a)	
Utah limited liability company,)	
)	
Defendants.)	
_____)	

Plaintiff filed a "Notice of Settlement" on November 7, 2010, in which he states, "the parties have settled this action. Dispositional documents will be filed within (30) calendar days." (ECF No. 11.)

Therefore, a dispositional document shall be filed no later than December 8, 2010. 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 January 9, 2012, will remain on calendar in the event that the above referenced

1 dispositional document is not filed, or this action is not otherwise
2 dismissed.¹

3 IT IS SO ORDERED.

4 Dated: November 9, 2010

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

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 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).