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

AMERICAN CASUALTY COMPANY OF	)	
READING, PENNSYLVANIA, and	)	2:10-cv-02806-GEB-EFB
NATIONAL FIRE INSURANCE COMPANY	)	
OF HARTFORD, successor by merger	)	
to TRANSCONTINENTAL INSURANCE	)	<u>ORDER</u>
COMPANY,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
WESTERN ENVIRONMENTAL	)	
CONSULTANTS, INC., a California	)	
Corporation; and PACIFIC GAS &	)	
ELECTRIC COMPANY, a California	)	
Corporation; LEXINGTON INSURANCE	)	
COMPANY; UNDERWRITERS AT LLOYD'S	)	
LONDON,	)	
	)	
Defendants.	)	
_____	)	
	)	
AND RELATED CROSSCLAIMS AND	)	
COUNTERCLAIMS	)	
_____	)	

The parties filed a Joint Status Report on January 30, 2012, in which they state: "[t]he parties have . . . engaged in substantive settlement discussions and have come to a tentative settlement agreement. The parties believe they will work out the particulars of the settlement . . . and that all remaining claims and active pleadings will be dismissed within 60 days of filing this report, if not sooner." (ECF No. 137, 5:3-6.)

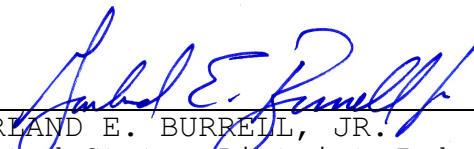
1           Therefore, a dispositional document shall be filed no later  
2 than March 30, 2012. Failure to respond by this deadline may be  
3 construed as consent to dismissal of this action without prejudice, and  
4 a dismissal order could be filed. See E.D. Cal. R. 160(b) ("A failure to  
5 file dispositional papers on the date prescribed by the Court may be  
6 grounds for sanctions.").

7           Further, American Casualty Company of Redding, Pennsylvania  
8 and National Fire Insurance Company of Hartford's pending dismissal  
9 motion (ECF No. 126), which is scheduled for hearing on March 5, 2012,  
10 is deemed withdrawn in light of the above-referenced settlement.

11           Lastly, the Status Conference scheduled for hearing on  
12 February 13, 2012, is continued to April 23, 2012, commencing at 9:00  
13 a.m., in the event no dispositional document is filed, or if this action  
14 is not otherwise dismissed.<sup>1</sup> A joint status report shall be filed  
15 fourteen (14) days prior to the Status Conference.

16           IT IS SO ORDERED.

17 Dated: February 6, 2012

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20 \_\_\_\_\_  
GARLAND E. BURRELL, JR.  
United States District Judge

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25 \_\_\_\_\_  
26           <sup>1</sup> The Status Conference will remain on calendar, because the  
27 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).