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

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|---------------------------------|---|---------------------------------|
| Scott N. Johnson, |) | |
| |) | 2:11-cv-01249-GEB-CKD |
| Plaintiff, |) | |
| |) | |
| v. |) | <u>ORDER RE: SETTLEMENT AND</u> |
| |) | <u>DISPOSITION</u> |
| The Hertz Corporation, |) | |
| Individually and d/b/a Hertz |) | |
| Local Edition; Ralph M. Wilson; |) | |
| Christina Wilson; Qui Vinh Luu, |) | |
| Individually and d/b/a Twin |) | |
| Dragon Restaurant; Carrie |) | |
| Margherita, Individually and |) | |
| d/b/a Hair Productions; Richard |) | |
| J. Tibbs, Individually and as |) | |
| Trustee of the Richard J. Tibbs |) | |
| and Jennifer Flowers Tibbs, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

Plaintiff filed a "Notice of Settlement" on November 2, 2011, in which he states, "the parties have settled this action[, and d]ispositional documents will be filed within (30) calendar days." (ECF No. 23.)

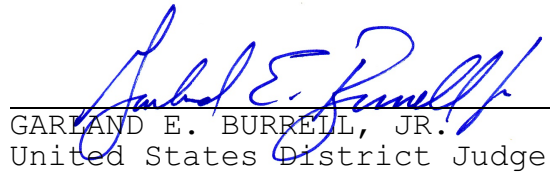
Therefore, a dispositional document shall be filed no later than December 2, 2011. Failure to respond by this deadline may be construed as consent to dismissal of this action without prejudice, and a dismissal order could be filed. See E.D. Cal. R. 160(b) ("A failure to

1 file dispositional papers on the date prescribed by the Court may be
2 grounds for sanctions.”).

3 Further, the Status Conference scheduled for hearing on
4 November 28, 2011, is continued to January 30, 2012, commencing at 9:00
5 a.m., in the event no dispositional document is filed, or if this action
6 is not otherwise dismissed.¹ A joint status report shall be filed
7 fourteen (14) days prior to the Status Conference.

8 IT IS SO ORDERED.

9 Dated: November 3, 2011

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13 GARLAND E. BURRELL, JR.
14 United States District Judge
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25 _____
26 ¹ 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).