

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,)	
)	2:11-cv-01405-GEB-CKD
Plaintiff,)	
)	
v.)	<u>ORDER RE: SETTLEMENT AND</u>
)	<u>DISPOSITION</u>
Healthy Partnerships,)	
Individually and d/b/a/ Healthy)	
Partnerships; Healthy)	
Properties, a General)	
Partnership,)	
)	
Defendants.)	
_____)	

Plaintiff filed a "Notice of Settlement" on September 1, 2011, in which he states, "the parties have settled this action[, and d]ispositional documents will be filed within (30) calendar days." (ECF No. 11.)

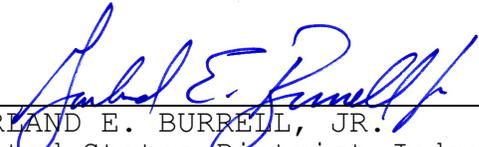
Therefore, a dispositional document shall be filed no later than October 3, 2011. Failure to respond by this deadline may be construed as consent to dismissal of this action without prejudice, and a dismissal order could be filed. See E.D. Cal. R. 160(b) ("A failure to file dispositional papers on the date prescribed by the Court may be grounds for sanctions.").

Further, the Status Conference scheduled for hearing on September 19, 2011, is continued to October 17, 2011, commencing at 9:00

1 a.m., in the event no dispositional document is filed, or if this action
2 is not otherwise dismissed.¹ A joint status report shall be filed
3 fourteen (14) days prior to the Status Conference.

4 IT IS SO ORDERED.

5 Dated: September 1, 2011

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

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).