

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

|                                |   |                                 |
|--------------------------------|---|---------------------------------|
| BRUCE HUDGINS,                 | ) |                                 |
|                                | ) | 2:11-cv-01518-GEB-GGH           |
| Plaintiff,                     | ) |                                 |
|                                | ) |                                 |
| v.                             | ) | <u>ORDER RE: SETTLEMENT AND</u> |
|                                | ) | <u>DISPOSITION</u>              |
| PORTFOLIO RECOVERY ASSOCIATES, | ) |                                 |
| LLC, and DOES 1-10, inclusive, | ) |                                 |
|                                | ) |                                 |
| Defendant.                     | ) |                                 |
| _____                          | ) |                                 |

Plaintiff filed a "Notice of Settlement" on September 21, 2011, in which he states, the parties "have reached a settlement." (ECF No. 11.) The parties request "a period of 60 days within which to complete the settlement and file a dismissal of the action." Id.

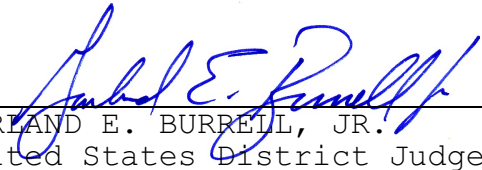
Therefore, a dispositional document shall be filed no later than November 21, 2011. Failure to respond by this deadline may be construed as consent to dismissal of this action without prejudice, and a dismissal order could be filed. See E.D. Cal. R. 160(b) ("A failure to file dispositional papers on the date prescribed by the Court may be grounds for sanctions.").

Further, the Status Conference scheduled for hearing on October 31, 2011, is continued to December 12, 2011, commencing at 9:00 a.m., in the event no dispositional document is filed, or if this action

1 is not otherwise dismissed.<sup>1</sup> A joint status report shall be filed  
2 fourteen (14) days prior to the Status Conference.

3 IT IS SO ORDERED.

4 Dated: September 21, 2011

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

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).