

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

LARY FEEZOR,)	
)	2:11-cv-02136-GEB-DAD
Plaintiff,)	
)	
v.)	<u>ORDER RE: SETTLEMENT AND</u>
)	<u>DISPOSITION</u>
TRACY MALL PARTNERS; APPLE)	
GILROY, INC., dba APPLEBEE'S)	
NEIGHBORHOOD GRILL & BAR; OCB)	
RESTAURANT COMPANY, LLC, dba)	
HOMETOWN BUFFET #0760; BARNES &)	
NOBLE, INC., dba BARNES & NOBLE)	
BOOKSELLERS #2105,)	
)	
Defendants.)	
_____)	

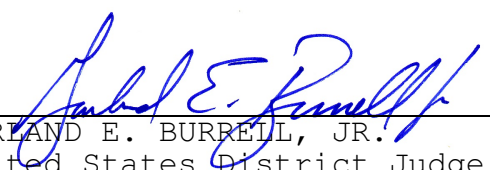
Plaintiff filed a "Notice of Settlement as to Defendant Barnes & Noble Booksellers, Inc." on November 8, 2011, in which he states: this "matter . . . has been resolved as to Defendant Barnes & Noble Booksellers, Inc. ONLY[and t]he parties anticipate filing a Stipulation for Dismissal within four to six weeks." (ECF No. 23.)

Therefore, a Stipulation for Dismissal of Defendant Barnes & Noble shall be filed no later than December 20, 2011. Failure to respond by this deadline may be construed as consent to dismissal of this Defendant 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.").

1 Further, Plaintiff's Motion to Strike Defendant Barnes &
2 Noble's Affirmative Defenses, which was filed on October 26, 2011, is
3 deemed withdrawn in light of the notice of settlement; this motion may
4 be re-noticed for hearing if no Stipulation for Dismissal is filed and
5 this Defendant is not otherwise dismissed.

6 IT IS SO ORDERED.

7 Dated: November 8, 2011

8
9 
10 _____
11 GARLAND E. BURRELL, JR.
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28