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

BRUCE OTTEN,)	
)	2:11-cv-02210-GEB-KJN
Plaintiff,)	
)	
v.)	<u>ORDER RE: SETTLEMENT AND</u>
)	<u>DISPOSITION</u>
CBE GROUP, INC.,)	
)	
Defendant.)	
_____)	

Plaintiff filed a "Notice of Settlement" on November 7, 2011, in which he states, "a settlement of the present matter has been reached and is in the process of finalizing settlement, which Plaintiff anticipates will be finalized within the next 40 days." (ECF No. 8.)

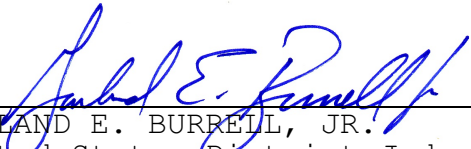
Therefore, a dispositional document shall be filed no later than December 19, 2011. Failure to respond by this deadline may be construed as consent to dismissal of this action without prejudice, and a dismissal order could be filed. See E.D. Cal. R. 160(b) ("A failure to file dispositional papers on the date prescribed by the Court may be grounds for sanctions.").

Further, Plaintiff requests "all dates currently set on calendar for the present matter" be vacated. However, the dates in the

1 October 26, 2011, Status Order will remain on calendar, in the event no
2 dispositional document is filed, or if this action is not otherwise
3 dismissed.¹

4 IT IS SO ORDERED.

5 Dated: November 7, 2011

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9 GARLAND E. BURRELL, JR.
10 United States District Judge
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25 _____
26 ¹ The dates in the October 26 Status Order will remain on
27 calendar because the mere representation that a case has been settled
28 does not justify vacating the dates in the Status Order. 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).