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

Scott N. Johnson,	)	
	)	2:11-cv-02471-GEB-JFM
Plaintiff,	)	
	)	
v.	)	<u>ORDER RE: SETTLEMENT AND</u>
	)	<u>DISPOSITION</u>
CHUNDUSHAI PATEL, Individually	)	
and d/b/a Stockton Travelers	)	
Motel; KIM LE, Individually and	)	
d/b/a Le Kim's Restaurant;	)	
SAMIRKUMAR R. PATEL,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff filed a "Notice of Settlement" on November 8, 2011, in which he states, "the parties have settled this action[, and d]ispositional documents will be filed within (30) calendar days." (ECF No. 8.)

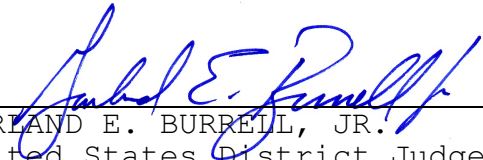
Therefore, a dispositional document shall be filed no later than December 8, 2011. Failure to respond by this deadline may be construed as consent to dismissal of this action without prejudice, and a dismissal order could be filed. See E.D. Cal. R. 160(b) ("A failure to file dispositional papers on the date prescribed by the Court may be grounds for sanctions.").

Further, the Status Conference scheduled for hearing on December 12, 2011, is continued to February 13, 2012, 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: November 8, 2011

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8 GARLAND E. BURRELL, JR.  
9 United States District Judge  
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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).