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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Scott Johnson,

Plaintiff,

v.

Delta National Bancorp, a
California Corporation;
Watheq Nabeel Abdelhaq; and
Does 1-10,

Defendant.

AND RELATED CROSS-COMPLAINT

No. 2:14-cv-01083-GEB-EFB

**ORDER RE: SETTLEMENT AND
DISPOSITION**

Plaintiff filed a "Notice of Settlement" on October 23, 2014, in which he states:

a global settlement has been reached in the above-captioned case. The settlement agreement has been drafted and is circulating for execution. . . .

The Plaintiff, therefore, applies to this Honorable Court to vacate all currently set dates with the expectation that the Stipulation for Dismissal with prejudice as to all parties will be filed within 45 days.

(Notice of Settlement, ECF No. 17.)

Therefore, a dispositional document shall be filed no later than December 8, 2014. Failure to respond by this deadline may be construed as consent to dismissal of this action without

1 prejudice, and a dismissal order could be filed. See E.D. Cal.
2 R. 160(b) ("A failure to file dispositional papers on the date
3 prescribed by the Court may be grounds for sanctions.").

4 Further, the Status Conference scheduled for hearing on
5 November 24, 2014, is continued to commence at 9:00 a.m. on
6 January 26, 2015, in the event no dispositional document is
7 filed, or if this action is not otherwise dismissed.¹ A joint
8 status report shall be filed fourteen (14) days prior to the
9 status conference.

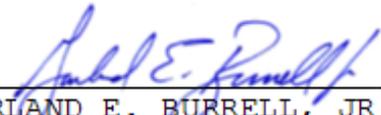
10 IT IS SO ORDERED.

11 Dated: October 30, 2014

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GARIAND E. BURRELL, JR.
Senior United States District Judge

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¹ The status conference will remain on calendar, because the mere representation that a case has been settled does not justify 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).