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DHARMINDER SINGH

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA**

GOLDEN STATE TRUCK SALES, INC.,

a California corporation;

DHARMINDER SINGH, an individual,

Plaintiffs,

v.

BAY TRAILER SALES, LLC, a

Virginia limited liability company;

JONATHAN EMDE, an individual;

and DOES 1-25, inclusive,

Defendants.

**Case No.: 2:16-cv-00580**

**SECOND REQUEST TO EXTEND THE  
TIME FOR FILING DISPOSITIONAL  
PAPERS;  
ORDER**

**[F.R.C.P. 16 AND LOCAL RULE 160]**

1 Pursuant to Federal Rule of Civil Procedure 16 and Local Rule 160, Plaintiffs Golden  
2 State Truck Sales, Inc. and Dharminder Singh (collectively “Plaintiffs”), by and through their  
3 counsel of record, hereby request that the time to file dispositional papers in this matter be  
4 extended to February 9, 2018.

5 The Parties entered into a final settlement agreement on September 5, 2017. Following  
6 the entry of the terms on the record, Judge Brennan ordered that the dispositional papers be filed  
7 no later than September 19, 2017.

8 Plaintiffs prepared the necessary paperwork in time to meet that deadline. Since the  
9 settlement conference, however, Defendants have declined to meaningfully participate in the  
10 process. Specifically, they have failed to sign the stipulation for dismissal and other related  
11 settlement paperwork, and have failed to honor the terms of the settlement agreement. As a  
12 result, Plaintiffs have filed a Motion to Enforce the Settlement Agreement, which is scheduled  
13 to be heard on February 1, 2018 at 10:00 a.m. before Magistrate Judge Newman in Courtroom  
14 25.

15 Based on Defendants’ initial failure to sign the necessary documents, Plaintiffs  
16 previously filed a similar Request to Extend the Time to File Dispositional Papers on September  
17 19, 2017. See Docket #30. On October 17, 2017, Judge England issued an order requesting  
18 that the Proposed Order on the Request to Extend the Time to File Dispositional Papers be  
19 submitted in word format. See Docket # 31. By that time, it became clear that resubmitting the  
20 original order would be insufficient. As a result, Plaintiffs’ counsel contacted Judge Brennan’s  
21 courtroom deputy to determine which Judge should hear a Motion to Enforce the Settlement  
22 Agreement. Thereafter, Plaintiffs (via counsel) notified Defendants (via counsel) of their  
23 intention to file a Motion to Enforce the Settlement Agreement, and attempted to give  
24 Defendants every opportunity to comply with the terms of the settlement agreement.  
25 Nevertheless, Defendants have still failed to do so.

26 It has recently become clear not only that Defendants will not comply with the terms of  
27 the settlement agreement, but it also appears that Defendants have ceased communicating with  
28 their own counsel.

Consequently, Plaintiffs seek an additional extension of time to file the dispositional documents. Specifically, Plaintiffs seek an extension of time through February 9, 2018, which will allow Judge Newman to rule on the Motion to Enforce the Settlement Agreement and execute any Court order that become necessary thereto.

Respectfully submitted,

Date: December 28, 2017

FOOS GAVIN LAW FIRM, P.C.

By: /s/ Sean Gavin


Sean Gavin (SBN: 251124), Attorney for Plaintiffs,  
GOLDEN STATE TRUCK SALES, INC. and  
DHARMINDER SINGH

## ORDER

Good cause appearing, the Court hereby grants Plaintiffs' request to extend the time to file dispositional papers and discharges the Order to Show Cause issued December 18, 2017 (ECF No. 32). The new deadline to file dispositional papers is February 9, 2018.

IT IS SO ORDERED.

Dated: January 4, 2018

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE