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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ENGINEERED DOOR INDUSTRIES,
INC.,

Plaintiff,

v.

K.O.O. CONSTRUCTION, INC., et al.,

Defendants.

No. 2:16-cv-836-EFB PS

ORDER

On August 16, 2016, the court issued a pretrial scheduling order, which set a final pretrial conference for September 27, 2017. ECF No. 25 at 3. That order also directed the parties to file a joint pretrial statement by no later than September 13, 2017. *Id.* The parties failed to timely file a joint pretrial statement. Accordingly, the final pretrial conference was continued, and the parties were ordered, by no later than October 2, 2017, to file a pretrial statement and show cause, in writing, why sanctions should not be imposed for failure to comply with the court’s scheduling order. ECF No. 26.

Rather than respond to the order to show cause, plaintiff filed a notice of settlement (ECF No. 27) and the parties filed a stipulation for voluntary dismissal pursuant to Federal Rule of Civil

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1 Procedure 41(a)(1) (ECF No. 28).¹ The parties, however, failed to show cause why sanctions
2 should not be imposed for their failure to comply with the court's order.

3 The parties were not permitted to disregard the court's scheduling order merely because
4 they settled the case. Instead, they should have immediately notified the court that a settlement
5 had been reached or, if settlement negotiations were ongoing and good cause warranted an
6 extension, requested an extension of time to file the pretrial statement. Taking no action was not
7 an available option. Similarly, the parties' stipulation for voluntary dismissal does not address or
8 justify their disregard of the court's order to show cause.

9 Notwithstanding the parties' failure to show cause why sanctions should not be imposed,
10 the court declines to impose sanctions in light the parties' ability to resolve their dispute. Instead,
11 this order will serve as an admonishment to counsel. Accordingly, it is hereby ORDERED that
12 the September 26, 2017 order to show cause is discharged and no sanctions are imposed.

13 DATED: October 5, 2017.

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15 EDMUND F. BRENNAN
16 UNITED STATES MAGISTRATE JUDGE

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28 ¹ The Clerk closed the case on October 4, 2017, pursuant to that stipulation. ECF No. 29;
see Fed. R. Civ. P. 41(a)(1)(ii).