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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PS Business Parks, LP,

NO. C 09-02759 JW

Plaintiff,

**ORDER VACATING DATES; SETTING
STATUS CONFERENCE**

v.

Pycon, Inc., et al.,

Defendants.

Presently before the Court is the parties' Joint Case Status Statement. (Docket Item No. 83.) In their Statement, the parties contend that they have "come to a final settlement agreement" that will "fully resolve this matter," and request that all pending dates in this case be vacated. (*Id.* at 2.)

In light of the parties' representation regarding their settlement, the Court VACATES all pretrial and trial dates in this matter. The Court sets **June 25, 2012 at 10 a.m.** for a Status Conference re. Settlement. On or before **June 15, 2012**, the parties shall either file a Stipulated Dismissal or a Joint Status Statement. In the event that a Dismissal is not filed, the parties shall set forth in their Joint Statement the status of the settlement and how much additional time is requested to finalize and file a dismissal.¹

¹ Subsequent to filing the Joint Statement informing the Court of the settlement, counsel for Plaintiff communicated with the Court that Plaintiff prefers to maintain the trial date pending execution of the parties' settlement agreement. Because the Court needs to maintain its calendar and docket, the Court DENIES Plaintiff's request. Further, based on the representations made in the Joint Statement, the Court finds that the parties are engaged in a good faith settlement negotiation and finds no reason to maintain the current trial schedule merely as a place holder.

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Further, at the May 21 Final Pretrial Conference, Plaintiff's counsel indicated that there were other Defendants in this case as to whom Plaintiff may be planning to seek default judgment. Thus, on or before **June 4, 2012**, Plaintiff shall either: (1) file a Dismissal as to any remaining Defendants who are either in default or who have not yet been served; or (2) move for default judgment as to any such Defendants. In the event Plaintiff moves for default judgment against any Defendant, the Court sets **July 9, 2012 at 9 a.m.** for any Motion for Default Judgment. Failure to comply with this Order may result in dismissal of Plaintiff's claims against any remaining Defendants for lack of prosecution pursuant to Fed. R. Civ. P. 41(b), which is a dismissal on the merits.

Dated: May 30, 2012



JAMES WARE
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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Dated: May 30, 2012

Richard W. Wieking, Clerk

By: /s/ JW Chambers
William Noble
Courtroom Deputy