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

J&J SPORTS PRODUCTIONS, INC.,

Plaintiff,

No. C 12-01191 JSW

v.

**ORDER DENYING WITHOUT
PREJUDICE REQUEST TO
VACATE**

RUGIERO PATINO SANTOS, et al.,

Defendants.

On May 14, 2013, Plaintiff filed a Request for Judicial Notice of Settlement.¹ Plaintiff also represents that the parties request that all presently calendared deadlines and appearances be vacated. However, Defendants’ counsel has not signed off on the “Request for Judicial Notice of Settlement.” To the extent Plaintiff is moving under Northern District Civil Local Rule 7-11 for a continuance, Defendants have appeared in this action and have four days to file a response to such a motion. *See* N.D. Civ. L.R. 7-11(b). Thus, the Court could not act on Plaintiff’s request before the next scheduled appearance, the initial case management conference set for May 17, 2013 at 1:30 p.m. For these reasons, the Court DENIES Plaintiff’s request to vacate all presently calendared deadlines an appearances.

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¹ The Court cannot take “judicial notice” of the settlement, because there are no documents or evidence to support the fact that a settlement exists. *See* Fed. R. Evid. 201. To the extent Plaintiff simply wishes to advise the Court that the parties have settled the matter, a simple notice would have sufficed.

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The parties shall appear as scheduled on May 17, 2013 for the case management conference, unless the parties stipulate to continue the matter based on the settlement or Plaintiff files a notice of dismissal before that date.

IT IS SO ORDERED.

Dated: May 15, 2013



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE