

**\*E-FILED 04-09-2010\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MARTIN PEDRAZA, VALENTIN PEDRAZA  
and FELIPE SALINAS, on behalf of themselves  
and others similarly situated,

Plaintiffs,

v.

SELEX, INC., REUBEN BORG dba BORG  
REDWOOD FENCES and DOES 2-10,

Defendants.

No. C08-04710 HRL

**ORDER DENYING PLAINTIFFS'  
REQUEST FOR A SETTLEMENT  
CONFERENCE**

**ORDER TO SHOW CAUSE RE  
SETTLEMENT**

**[Re: Docket 62]**

Plaintiffs advise that this case has settled.<sup>1</sup> Accordingly, the April 27, 2010 pretrial conference and the trial set to begin on May 3, 2010 have been vacated.

Plaintiffs say that a final settlement agreement has been prepared. They do not disagree with any of its terms. Nevertheless, plaintiffs refuse to sign the agreement unless defendants execute the agreement in person. Defendants apparently disagree and reportedly have threatened to bring a motion to enforce the settlement. While acknowledging that the settlement agreement may well be enforceable, plaintiffs claim that their counsel will be obliged to continue prosecuting this case absent a court order enforcing the settlement (presumably, a court order either requiring defendants to sign the settlement papers in person or finding that

<sup>1</sup> This is a putative class action in which no class has been certified. The deadline for filing a motion seeking certification has passed.

1 defendants' signature on the counterpart is sufficient). Plaintiffs now request a settlement  
2 conference with a magistrate judge to resolve this matter.

3 Plaintiffs' request is not well taken. They cite no authority for their contention that an  
4 in-person signing by defendants is required to give the settlement agreement effect. Nor have  
5 they convinced that a settlement conference with a magistrate judge is warranted. This court  
6 takes a dim view of what appears to be an attempt by plaintiffs to unreasonably obstruct the  
7 resolution of this case. Their request is denied.

8 **On or before May 14, 2010**, the parties shall file a stipulated dismissal pursuant to  
9 Fed.R.Civ.P. 41(a). If a dismissal is not filed by the specified date, all parties shall appear in  
10 Courtroom 2, 5th Floor of the United States District Court, 280 South First Street, San Jose, CA  
11 95113 on **May 25, 2010, 10:00 a.m.** and show cause, if any, why the case should not be  
12 dismissed pursuant to Fed.R.Civ.P. 41(a). The parties shall file a statement in response to this  
13 Order to Show Cause **no later than May 18, 2010**. The joint statement shall state (1) the status  
14 of the activities of the parties in finalizing settlement; and (2) how much additional time, if any,  
15 is requested to finalize the settlement and file the dismissal. If a voluntary dismissal is filed as  
16 ordered, the Order to Show Cause hearing will be automatically vacated and the parties need  
17 not file a joint statement in response to this Order.

18 SO ORDERED.

19 Dated: April 9, 2010

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22 HOWARD L. LLOYD  
23 UNITED STATES MAGISTRATE JUDGE  
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**United States District Court**

For the Northern District of California

1 5:08-cv-04710-HRL Notice has been electronically mailed to:

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5 Counsel are responsible for distributing copies of this document to co-counsel who have not  
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