

United States District Court
For the Northern District of California

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E-Filed 4/5/12

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

JUAN CERVANTES, RAFAEL ARVIZU,
NICOLAS GOMEZ, CESAR NAVA, and
ALEJANDRO CRUZ-SANDOVAL, on
behalf of themselves and all others similarly
situated,

No. CV 08-4798 RS

**ORDER DENYING REQUEST FOR
ENTRY OF STIPULATED
JUDGMENT**

Plaintiffs,

v.

A.C.F. CUSTOM CONCRETE
CONSTRUCTION, INC., and ART
FISHER, and DOES 1-20, inclusive,

Defendants.

_____ /
Plaintiffs have filed a proposed order giving effect to a previously-executed stipulated judgment, purportedly pursuant to a settlement agreement that resolved this case. (Dkt. No. 52). Plaintiffs, with defendants' agreement, voluntarily dismissed this case on April 8, 2010, and the case was closed the same day. (Dkt. No. 15). The settlement agreement, which does not appear to have been previously filed on the record, but is attached as an exhibit to plaintiff's request for judgment, states that plaintiffs are to hold an executed stipulated judgment and may file it with the Court on the terms set forth within the stipulated judgment itself. (Ex. A to Talamantes Decl., at 2). The stipulation permits plaintiffs to request judgment from the Court if defendants default under a thirty-six month payment plan provided by the settlement agreement, fail to cure the default within three days, and receive notice of plaintiffs' intention to file. A declaration from plaintiffs' counsel avers

1 that these requirements have been met. Neither these documents, nor any other filings in this case,
2 reserve the jurisdiction of the Court to enforce the settlement, and it is far from self-evident, now
3 that the case has been closed, that the Court may do so. Plaintiffs, for their part, have neglected to
4 provide any legal authority in support of their request. The Court therefore declines to enter the
5 stipulated judgment at this time. If plaintiffs so elect, they may file a supplemental memorandum of
6 points and authorities stating a legal basis for entry of judgment. Otherwise, no further action will
7 be taken by the Court in this matter.

8 IT IS SO ORDERED.

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10 Dated: 4/5/12



11 RICHARD SEEBORG
12 UNITED STATES DISTRICT JUDGE
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