UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

JUAN CARLOS CUELLAR; JOSE ALBERTO GARCIA; JORGE ALEGRIA; JORGE CALDERON; and ISMAEL CALDERON, Plaintiffs, v. ANTHONY FIDEL ALAMILLO; FIDEL CABRAL ALAMILLO; CARRIE ANN ALAMILLO; C&F ALAMILLO STEEL, A PARTNERSHIP Defendants.	Case No. C09-04047 PSG **ORDER DISMISSING CASE WITH PREJUDICE COURT TO RETAIN JURISDICTION TO ENFORCE SETTLMENT AGREEMENT**

This matter came before this Court on August 30, 2011 at 2:00 p.m. the Honorable Paul Singh Grewal presiding for an Order to Show Cause Hearing regarding the status of a settlement between all remaining parties to this action. Plaintiffs appeared through counsel Tomas E. Margain. Defendants ANTHONY FIDEL ALAMILLO and FIDEL CABRAL ALAMILLO appeared in pro per.

Plaintiff's counsel represented to the Court that a complete settlement had been entered into the record after a July 15, 2011 Settlement Conference and that all three Plaintiffs had signed a subsequent written settlement agreement contemplated by the settlement placed on the record. This agreement was also signed by all three Defendants. However, two of the Plaintiffs were in the process of getting the signed agreement back to Mr. Margain's Office. It was noted that Defendants are not obligated to make payments until they receive the signed settlement agreement from all three Plaintiffs. Plaintiff's counsel asked that the case be Dismissed with prejudice with the Court to retain jurisdiction to enforce the settlement agreement and read a portion of the agreement signed by Defendants which contained that term.

Defendants asked for the case to be dismissed and also stated that they had prepared and filed a declaration to that effect.

Based on the Court proceedings, pleadings on file, and good cause shown, the Court Orders as follows:

This case is dismissed with prejudice. The Court will retain jurisdiction to enforce the settlement agreement through December 15, 2012 only.

IT IS SO ORDERED.

Dated: September 8, 2011

Hon. Paul Singh Grewal
United States Magistrate Judge