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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOHN BARRERA,

Plaintiff,

v.

THE HOME DEPOT U.S.A., INC.,

Defendant.

Case No.:12-CV-05199-LHK

**ORDER DENYING REQUEST TO
VACATE CASE MANAGEMENT
CONFERENCE**

Re: Dkt. No. 106

On March 5, 2015, the parties filed a notice of settlement.¹ ECF No. 106. In the notice, the parties state that they “have reached an agreement to settle plaintiff’s claims in this action,” and further state that the parties are “working to finalize the language and terms of the settlement agreement.” *Id.* at 1. The parties request that the Court “take the case management conference, currently scheduled for March 11, 2015 at 2 p.m., off calendar.” *Id.* The parties do not state how long they need to finalize the language and terms of their settlement agreement. *See id.*

This is the second time the parties have requested a continuance of a case management conference to finalize the terms of their settlement. On February 4, 2015, the parties filed a

¹ The settlement pertains to Plaintiff John Barrera, Jr.’s individual claims against Defendant The Home Depot U.S.A., Inc. *See* ECF No. 99. Currently pending before the Court is final approval of related class claims against Defendant The Home Depot U.S.A., Inc. *See* ECF No. 103.

1 stipulation stating that they had “reached an agreement in principle to settle plaintiff’s claims in
2 this action and are currently negotiating the language and terms of the settlement agreement.” ECF
3 No. 97 at 1. The parties did not state how long they needed to finalize the settlement. *See id.*
4 However, the parties requested that the Court continue the case management conference, then
5 scheduled for February 11, 2015, to March 11, 2015. *Id.* The Court granted the parties’ request on
6 February 4, 2015. ECF No. 99.

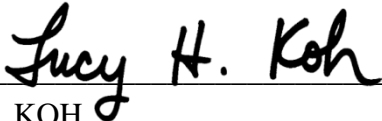
7 The parties’ current request to vacate the case management conference, ECF No. 106, is
8 DENIED. The parties shall file, by Tuesday, March 10, 2015 at 2 p.m., a joint statement with a
9 deadline by which the parties will file a joint stipulation of dismissal. The case management
10 conference remains as set on March 11, 2015, at 2 p.m.

11 **IT IS SO ORDERED.**

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13 Dated: March 9, 2015

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LUCY H. KOH
United States District Judge

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