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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CECIL EUGENE SHAW,
Plaintiff,
v.
RANDY KELLEY, et al.,
Defendants.

Case No.16-cv-03768-VKD

**ORDER TO SHOW CAUSE RE
SANCTIONS**

On February 1, 2019, the Court granted in part and denied in part plaintiff Mr. Shaw's motion for summary judgment. The case was set for a March 20, 2019 Final Pretrial Conference and an April 1-3, 2019 bench trial. Dkt. Nos. 56, 77, 79, 80. In a subsequent court-ordered status report, the parties advised that while a trial might be necessary as to the remaining alleged barriers at issue, they expected that those issues would be resolved through settlement. Dkt. Nos. 80, 81. Meanwhile, the Court referred the matter to mediation, and a mediation was set for March 8, 2019. Dkt. Nos. 85, 89.

On March 6, 2019, Mr. Shaw filed a notice of settlement, stating that the parties reached a settlement "with respect to the outstanding injunctive issues." Dkt. No. 92. On March 7, 2019, defendants filed a notice of settlement, stating that "the parties have agreed to settle the above-captioned matter." Dkt. No. 95. Based on the representations regarding settlement, the Court granted the parties' request to vacate the trial-related deadlines and appearances, and the March 8, 2019 mediation was vacated. Dkt. Nos. 96, 97. Noting that there appeared to be no remaining issues regarding injunctive relief and that the Court had already resolved the matter of Mr. Shaw's request for statutory damages, the Court stated that it believed only attorney's fees remained in

1 dispute. Nevertheless, the Court directed the parties to file a status report that (1) identified
2 remaining issues to be resolved by the Court and (2) proposed a briefing and/or hearing schedule.
3 Id.

4 In response, the parties filed a joint report, advising that they anticipated that Mr. Shaw
5 would move for attorney's fees. Dkt. No. 98. They proposed a briefing and hearing schedule,
6 including an April 9, 2019 deadline for Mr. Shaw to file his fees motion. Id. The parties
7 identified no other issues that remained to be resolved by the Court. The Court issued an order
8 adopting the parties' proposed briefing schedule and setting the matter for a May 14, 2019
9 hearing. Dkt. No. 99.


10 Mr. Shaw did not file his fees motion on April 9. Instead, he filed a request to "continue
11 his deadline to consummate settlement." Dkt. No. 100. Although Mr. Shaw previously told the
12 Court that the parties had reached a settlement "with respect to the outstanding injunctive issues,"
13 (Dkt. No. 92), and indicated that the only issue requiring adjudication was the issue of attorney's
14 fees (Dkt. No. 98), he now advises that he needs more time because "the parties have not finalized
15 the remainder of claims, which would make [a fees] motion premature." Dkt. No. 100.

16 Based on the foregoing, the Court sets a show cause hearing and further status conference
17 for **April 23, 2019, 10:00 a.m.**, in Courtroom 2. Lead counsel for both sides responsible for
18 trying this matter shall appear in person and show cause why they and/or their respective clients
19 should not be sanctioned for their apparent misrepresentations regarding settlement proceedings.
20 At that time, the Court will also re-set the Final Pretrial Conference and bench trial for dates
21 within the next 90 days, and the parties shall be prepared to discuss scheduling issues.

22 **IT IS SO ORDERED.**

23 Dated: April 10, 2019

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VIRGINIA K. DEMARCHI
United States Magistrate Judge