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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,  
Plaintiff,  
v.  
TSUNG-YEN LIN, et al.,  
Defendants.

Case No. 18-cv-01095-SVK

**ORDER IN ANTICIPATION OF THE  
JANUARY 19, 2019 HEARING**

Re: Dkt. No. 28, 29

The Parties, through counsel, notified the Court that the case had settled on November 9, 2018. ECF 24. The Court issued an Order to Show Cause on November 13, 2018, setting forth that the Parties had until January 8, 2019, to file a stipulation of dismissal. ECF 26. The Court further ordered that if a dismissal was not filed by that date, the Parties were to appear on January 15, 2019, to show cause as to why the case should not be dismissed and file a statement advising the Court as to (1) the status of the Parties' efforts to finalize settlement, and (2) how much additional time was necessary to finalize the settlement and file the dismissal. *Id.*

On January 8th, the Parties jointly represented to this Court that they "have been working diligently, but at this point, are still reviewing and editing the terms of the agreement." ECF 27. The Parties further represented that the settlement agreement "should be executed soon" yet inexplicably requested another 60 days to file a dismissal. *Id.* The Court denied that request as excessive and ordered the Parties to file a dismissal by January 23, 2019, or to appear on January, 29, 2019, to show cause as to why the case should not be dismissed. ECF 28.

On January 23, 2019, Plaintiff's counsel filed a statement, under oath, contravening ECF 27 and stating that Defendants had not participated in the settlement process since December 28, 2018. ECF 29. Plaintiff also misrepresents that the deadline to file a dismissal is January 29,

1 2019, when in fact, it was January 23, 2019. *Id.*

2 This matter is on the Court's calendar for **January 29, 2019 at 10:00 a.m.** In anticipation  
3 of those proceedings, the Court **ORDERS** as follows:

- 4 1. Counsel for both Parties will appear **in person**. Any previous orders permitting  
5 telephonic appearances are revoked.
- 6 2. At the hearing, the Court will require an explanation from Plaintiff's counsel as to their  
7 misrepresentations regarding settlement proceedings;
- 8 3. The Court will also set a case schedule through trial at that time;
- 9 4. The Parties are to meet and confer immediately regarding a schedule that both addresses  
10 the steps set forth in General Order 56 on an expedited basis and has this case prepared for  
11 trial on November 19, 2019, and the Parties shall be prepared to discuss that schedule with  
12 the Court at the hearing on January 29, 2019.

13 **SO ORDERED.**

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15 Dated: January 25, 2019

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18 SUSAN VAN KEULEN  
19 United States Magistrate Judge  
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