

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

U.S. BANK, N.A.,

Plaintiff(s),

v.

ASCENTE HOMEOWNERS  
ASSOCIATION, et al.,

Defendant(s).

Case No.: 2:15-cv-00302-JAD-NJK

**Order**

[Docket No. 101]

Pending before the Court is a joint motion to continue the settlement conference in time. Docket No. 101. The Court set the settlement conference more than two months ago. Docket No. 98. Now, just a few days before the settlement conference is set to commence, Defendant has explained that the attorney who was supposed to attend the settlement conference has a trial in state court. The joint motion explains that counsel did not anticipate that the trial would actually proceed as scheduled. *See* Docket No. 101 at 2. That is not a sufficient explanation. To the extent counsel had a trial scheduled for the same date that the settlement conference was set, counsel should have promptly advised this Court of that conflict. *See* Docket No. 98 at 1 n.1. To the extent the conflict arose after the settlement conference was scheduled, counsel should have advised the state court judge of that scheduling conflict. The failure to comply with these basic obligations leads to inconvenience and delay. Counsel is expected moving forward to better manage his schedule and his obligations to the various tribunals before which he is appearing. As a one-time courtesy, however, the Court will **VACATE** the settlement conference as currently scheduled.<sup>1</sup>

<sup>1</sup> The joint motion appears to envision the settlement conference proceeding at a different time on the same date with an unanticipated attorney filling in. *See* Docket No. 101 at 2. The time proposed is not convenient for the Court. Moreover, it is not clear from the filing that this attorney has “full knowledge of the case and . . . will be participating in the trial.” *See* Docket No. 98 at 1. Accordingly, the Court declines to move the settlement conference in time only to accommodate the appearance by this other attorney.

1 No later than May 14, 2021, the parties must file a stipulation with five proposed dates on  
2 which all required participants are available to attend the settlement conference.

3 IT IS SO ORDERED.

4 Dated: May 7, 2021

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8 Nancy J. Koppe  
9 United States Magistrate Judge  
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