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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WATCHGUARD TECHNOLOGIES, INC.,

Plaintiff,

v.

IVALUE INFOSOLUTIONS PVT. LTD.,

Defendant.

CASE NO. C15-1697-BAT

ORDER

This matter comes before the Court on defendant iValue Infosolutions Pvt. Ltd.’s (“defendant”) Motion to Enforce Settlement Agreement, filed under seal pending the Court’s consideration of concomitant motions to seal. *See* SEALED Dkt. 30; *see also* Dkts. 26, 31, 34. The matter is fully briefed. *See* SEALED Dkts. 29, 30, 32, 35-37. In opposing the motion, plaintiff Watchguard Technologies, Inc. (“plaintiff”) contends the terms of the proposed agreement show the parties did not intend for it to become effective until both parties had signed it, which has not yet occurred. SEALED Dkt. 32; *see also* Dkt. 48.

A trial court may “summarily enforce . . . a settlement agreement entered into by the litigants” while the litigation is pending. *In re City Equities Anaheim, Ltd.*, 22 F.3d 954, 957 (9th Cir. 1994). Nevertheless, the court may only do so when the settlement agreement is “complete.” *Callie v. Near*, 829 F.2d 888, 890 (9th Cir. 1987). Thus, where material facts

1 concerning the *existence* or *terms* of an agreement to settle are in dispute, the court must hold an
2 evidentiary hearing to resolve such issues. *Id.* at 890.

3 The Court has been tasked with determining whether both parties' signatures are
4 necessary to effectuate the settlement agreement. In short, the issue put to the Court is
5 essentially one of contract formation. The parties are thus entitled to an evidentiary hearing. *See*
6 *id.* The Court therefore **ORDERS**:

7 1. The parties shall each advise the Court on the record no later than **August 3, 2017**
8 whether they wish to request an evidentiary hearing, or prefer that the Court draw all
9 necessary factual conclusions based on the evidentiary record to date; **and**

10 2. No later than **August 3, 2017**, the parties shall propose a stipulated amended case
11 management schedule for all remaining pretrial and trial dates, including the discovery
12 completion date of July 31, 2017. *See* Dkts. 25, 38.

13 3. The Court **RESERVES** ruling on the parties' motions to seal until the time it
14 rules on the pending Motion to Enforce Settlement. The parties are cautioned the Court
15 is inclined to preserve the public right to access any court records associated with any
16 evidentiary hearing.

17 The Clerk is directed to send copies of this Order to all counsel of record.

18 DATED this 31st day of July, 2017.

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BRIAN A. TSUCHIDA
United States Magistrate Judge