

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Asora v. Ugwueze

Asora · No. 1:19-cv-01350-JLT-CDB (PC) · Decided August 8, 2025

OPINION

(PC) Asora v. Ugwueze

PER CURIAM.

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7 UNITED STATES DISTRICT COURT

8 EASTERN DISTRICT OF CALIFORNIA

9 10 AERITH NATALIA ASORA, Case No. 1:19-cv-01350-JLT-CDB (PC) 11 Plaintiff, ORDER
DISCHARGING ORDER TO

SHOW CAUSE AND REQUIRING

12 v. PARTIES TO FILE DISPOSITIONAL

DOCUMENTS WITHIN 10 DAYS

13 UGWUEZE, et al., (Doc. 111) 14 Defendants. 15

16 I. BACKGROUND

17 This action settled following settlement conference proceedings conducted on June 25, 18
2025. (Doc. 109 [Minutes].) The undersigned ordered dispositional documents be filed within 30
19 days. (Id.) 20 When the parties failed to timely comply with the Court’s order, on August 5,
2025, the 21 Court issued its Order Requiring Counsel for Defendants to Show Cause (OSC) in
Writing Why 22 Sanctions Should Not be Imposed for Failure to Obey the Court’s Orders. (Doc.
111.) That same 23 date, Defendants filed a response to the OSC. (Doc. 112.)

24 II. DISCUSSION

25 In their response to the OSC, Counsel for Defendants states “[d]ispositional documents 26 are
forthcoming, and counsel is working diligently to secure all appropriate information for the 27
Court in order to finalize the settlement entered.” (Doc. 112 at 2.) In counsel’s supporting 1
declaration, counsel indicates she sent a letter to Plaintiff explaining that all dispositional 2
paperwork was being processed, including a draft joint statement to the Court for Plaintiff’s 3
review and comments, and a return envelope. (Id. at 3, ¶¶ 3-4 & Ex. B [letter dated 7/30/2025].) 4
Counsel has not yet received a response from Plaintiff but given her incarceration one was not 5
expected given the timing, although counsel has “no doubt she will respond as soon as she can.” 6
(Id. at 3, ¶6.) Counsel concludes that “[s]ettlement of this matter is proceeding on course, and 7
when the terms of the agreement are fulfilled, the dismissal will be filed.” (Id. at 3, ¶ 7.) Notably,
8 the draft status report includes the following language: “The settlement funds are currently being

9 processed and the Notice of Case Settlement and Order of Dismissal will be filed once the funds
10 are received into Plaintiff's account." (Id. at 10.) 11 This Court's Local Rules provide that
12 "[w]hen an action has been settled or otherwise resolved by agreement of the parties ... it is the
13 duty of counsel to immediately file a notice of settlement or resolution. See L.R. 272." Local
14 Rule 160(a). Further, the Local Rules state "the Court shall fix a date upon which the
15 documents disposing of the action ... must be filed, which date shall not be more than twenty-
16 one days from the date of said notification, absent good cause. The Court may, on good cause
17 shown, extend the time for filing the dispositional papers. A failure to file dispositional papers
18 on the date prescribed by the Court may be grounds for sanctions. See L.R. 272." Local Rule
19 160(b). During the June 25, 2025, proceedings to place the settlement in this action on the
20 record, the undersigned verbally ordered: "The stipulation for voluntary dismissal with
21 prejudice shall be filed within 30 days." (See also Doc. 109 [Minutes].) And defense counsel
22 expressly agreed to the terms placed on the record, including the 30-day deadline for filing a
23 stipulation for voluntary dismissal. Regardless, defense counsel now seeks to change the terms
24 of the settlement by withholding the filing of a notice of settlement and a stipulation to
25 voluntary dismissal until "the funds are received into Plaintiff's account." As the parties are
26 aware, it can take up to 180 days after Plaintiff executes the settlement documents (a written
27 settlement agreement, the stipulation to voluntary dismissal, and a payee data sheet) for
28 settlement funds to issue. Dismissal is not dependent on performance of the agreement but rather
29 settlement of the action. See *Ruelas v. City of Sanger*, No. 1:23-cv-00742-JLT-SAB, 2024 WL
30 713445, at *1 (E.D. Cal. Feb. 21, 2024) ("The parties are advised that once the terms of a
31 settlement agreement are finalized and the settlement agreement is signed by the parties,
32 dismissal is not dependent on performance but rather settlement of the action"); *Jordan v. FCA
33 US, LLC*, No. 1:19-cv-01527-6 AWI-SAB, 2022 WL 686159, at *3 (E.D. Cal. Mar. 8, 2022) ("the
34 parties are again reminded that, once the terms of a settlement agreement are finalized and the
35 settlement agreement is signed by the parties, the Court generally does not retain jurisdiction to
36 oversee that the parties comply with the terms of the settlement"). This is because
37 performance of a settlement agreement is technically a separate proceeding from the lawsuit filed
38 in federal court. *K.C. ex rel. Erica C. v. Torlakson*, 762 F.3d 963, 965 (9th Cir. 2014); see also
39 *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 378 12 (1994) ("Neither the Rule nor
40 any provision of law provides for jurisdiction of the court over disputes arising out of an
41 agreement that produces the stipulation.... Enforcement of the settlement agreement, however,
42 whether through award of damages or decree of specific performance, is more than just a
43 continuation or renewal of the dismissed suit, and hence requires its own basis for jurisdiction.")
44 15 16 *Church of Celestial Heart v. Bondi*, No. 1:23-cv-00545-SAB, 2025 WL 1635932, at *2
45 (E.D. Cal.
46 June 9, 2025); see *Randall v. Trans Union, LLC*, No. 1:23-cv-01547-JLT-SAB, 2024 WL
47 402488, at *1 (E.D. Cal. Feb. 2, 2024) ("the Court will retain jurisdiction until the dismissal is

19 filed. However, the Court notes it generally declines generic requests to retain jurisdiction after
20 dismissal, absent a specific request and showing of good cause, and such retention requires a
21 subsequent order of approval from the Court retaining jurisdiction,” citing Kokkonen). 22
Here, the filing of dispositional documents was not contingent upon the parties’ 23 completion of
performance of the settlement. Nor does Defendants’ response to the OSC 24 establish good cause
for retaining jurisdiction over this action to ensure performance. The parties 25 will be ordered to
file the stipulation to voluntary dismissal of this action within 10 days. 26 Additionally, no further
extensions of this deadline will be granted absent extraordinary 27 circumstances unrelated to the
parties’ performance of the terms of their settlement agreement. 1 | Lastly, the parties are reminded
that sanctions may be imposed for any failure to obey the Court’s 2 | order.

3 I. CONCLUSION AND ORDER

4 Accordingly, the Court HEREBY ORDERS: 5 1. The OSC issued August 5, 2025 (Doc. 111) is
DISCHARGED; and 6 2. The parties SHALL file a stipulation to voluntary dismissal of this
action within 10 7 days of the date of this order to avoid potential sanctions. 8 | IT IS SO
ORDERED. 9 Dated: _ August 8, 2025 | hannD Rr

10 UNITED STATES MAGISTRATE JUDGE

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