

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Acosta v. Super Save & La Michuacana Markets, Inc.

Acosta · No. 1:25-cv-00105-BAM · Decided July 10, 2025

SUMMARY

The United States District Court for the Eastern District of California vacated the July 18, 2025 hearing on Plaintiff Jose Acosta’s motion to enforce a settlement agreement and request for attorneys’ fees. The court directed Plaintiff to submit supplemental briefing within 21 days addressing whether the court may enforce the agreement when Defendants are in default, have not appeared, and the agreement does not show their consent to court enforcement without a general appearance.

OPINION

Acosta v. Super Save & La Michuacana Markets, Inc.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 JOSE ACOSTA, Case No. 1:25-cv-00105-BAM 12 Plaintiff, ORDER VACATING
HEARING DATE OF

JULY 18, 2025

13 v.

ORDER DIRECTING PLAINTIFF TO

14 SUPER SAVE & LA MICHUACANA SUBMIT SUPPLEMENTAL BRIEFING

MARKETS, INC. dba SUPER SAVE REGARDING MOTION TO ENFORCE

15 MARKET, et al., SETTLEMENT AGREEMENT AND

REQUEST FOR ATTORNEYS’ FEES

16 Defendants. (Doc. 17) 17

TWENTY-ONE DAY DEADLINE

18 19 On June 6, 2025, Plaintiff Jose Acosta filed a motion to enforce settlement agreement and
20 request for attorneys’ fees. (Doc. 17.) Following a preliminary review of the motion, the Court
21 finds that supplemental briefing is warranted. 22 Under federal law, “the trial court has power
to summarily enforce on motion a settlement 23 agreement entered into by the litigants while the
litigation is pending before it.” In re City 24 Equities Anaheim, Ltd., 22 F.3d 954, 957 (9th Cir.
1994) (quotation omitted). “Whether to 25 enforce a settlement agreement is a matter committed
to the Court’s discretion.” Brooke v. Capri 26 Motel, LLC, No. 1:18-cv-0062-LJO-JLT, 2018 WL

3062188, at *2 (E.D. Cal. June 19, 2018) 27 (citations omitted). 28 /// 1 According to the record, defendants are in default, and they have not yet appeared in this 2 action. (See Docs. 10, 11, 12, 13.) Plaintiff is therefore ordered to identify legal authorities that 3 demonstrate it is proper for the Court to enforce a settlement agreement in light of the posture of 4 this action. The Court notes the settlement agreement attached to the motion does not 5 demonstrate that defendants have agreed to Court enforcement of the agreement without their 6 general appearance. (See Doc. 17-3, Ex. A.) 7 Based on the foregoing, IT IS HEREBY ORDERED as follows: 8 1. The hearing date of July 18, 2025, is VACATED. 9 2. Within twenty-one (21) days, Plaintiff shall file supplemental briefing identifying 10 legal authorities demonstrating the Court's authority to enforce a settlement agreement 11 in light of the posture of this case. 12 3. Following receipt of Plaintiff's supplemental briefing, the Court will take Plaintiff's 13 motion to enforce settlement agreement and request for attorneys' fees (Doc. 17) 14 under submission. L.R. 230(g). 15 IT IS SO ORDERED. 16 17 Dated: July 10, 2025 /s/ Barbara A. McAuliffe _
UNITED STATES MAGISTRATE JUDGE
18 19 20 21 22 23 24 25 26 27 28