

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**John Brown v. Takeuchi Mfg. Co. (U.S.), Ltd.; Takeuchi Mfg. Co.
Ltd.; United Rentals (North America), Inc.; and United Rentals Inc.**

Brown v. Takeuchi · No. 2:21-cv-00392-JAM-DMC · Decided April 3, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed the action after Plaintiff failed to file settlement-related dispositional documents by the court-ordered deadline. Applying the *Ferdik* factors, the court concluded that dismissal was appropriate and directed the Clerk to close the case.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 JOHN BROWN, No. 2:21-cv-00392-JAM-DMC 12 Plaintiff, ORDER
DISMISSING CASE 13 v. 14 TAKEUCHI MFG. CO. (U.S.), LTD.; TAKEUCHI MFG. CO.
LTD, 15 a foreign entity; UNITED RENTALS (NORTH AMERICA), 16 INC.; and UNITED
RENTALS INC. 17 Defendants. 18 19 On 06/04/2024, the Court ordered the parties to file 20
dispositional documents regarding their settlement by 21 08/05/2024.

See ECF No. 152. The parties then stipulated to a 22 continuance on three occasions, ultimately
pushing the filing 23 date to 10/11/2024. See ECF Nos. 154, 156, and 158. On 24 11/08/2024—
nearly a month after the new filing deadline— 25 Plaintiff’s counsel filed a declaration seeking
further 26 continuance, which the Court granted, extending the deadline to 27 12/12/2024.

See ECF Nos. 159-60. On 12/12/2024, Plaintiff’s 28 counsel filed another declaration seeking a
continuance. See ECF 1 No. 161. On 1/16/2025, after considering the Defendants’ 2 response at
ECF No. 163, the Court granted Plaintiff’s request, 3 stating “No further extension of this March
31, 2025 deadline 4 will be granted by the court absent a showing of good cause.

If 5 the settlement documents are not filed by March 31, 2025, this 6 case will be dismissed.” See
ECF No. 164. On 03/04/2025, 7 Plaintiff’s counsel filed a declaration explaining personal 8
circumstances delaying the filing, as well as Plaintiff’s reasons 9 for not signing the settlement
agreement. See ECF No. 166.

On 10 03/31/2025, Plaintiff’s counsel filed a declaration asking for a 11 “last continuance” of 45
days. See ECF No. 167. Plaintiff has 12 not filed any dispositional documents by 03/31/2025—

nearly eight 13 months after the original deadline of 08/05/2024. 14 Following Plaintiff's failure to comply with the Court's 15 order, the Court dismisses this action.

In determining whether 16 to dismiss this action, the Court must weigh the *Ferdik* factors: 17 (1) the public's interest in expeditious resolution of 18 litigation; (2) the court's need to manage its docket; (3) the 19 risk of prejudice to defendants; (4) the availability of less 20 drastic alternatives; and (5) the public policy favoring 21 disposition of cases on their merits.

See *Pagtalunan v. Galaza*, 22 291 F.3d 639, 642 (9th Cir. 2002) (citing *Ferdik v. Bonzelet*, 963 23 F.2d 1258, 1260-61 (9th Cir. 1992)). Here, the first two factors 24 favor dismissal because this case already has been delayed by 25 Plaintiff and his counsel's continuous failure to file 26 dispositional documents, and the public has an overriding 27 interest in securing "the just, speedy, and inexpensive 28 determination of every action." See *Fed.*

R. Civ. P. 1. The 1st factor also favors dismissal because Defendants have been 2 deprived of an opportunity to formally settle this action, and 3 Defendants asked the Court to issue an order for Plaintiff to 4 show cause as to why this action should not be dismissed, 5 | indicating that they want this action dismissed.

See ECF No. 6 163. Likewise, the fourth factor favors dismissal because the 7 Court already has attempted less drastic alternatives, and it 8 explicitly warned Plaintiff that it would dismiss this action for 9 | failure to comply with the 03/31/2025 deadline. See ECF No. 10 164.

Finally, the fifth factor favoring disposition of a case on 11 its merits is outweighed by the other *Ferdik* factors. Moreover, 12 it is Plaintiff and his counsel's failure to comply that 13 | precludes a resolution on the merits.

Accordingly, after 14 carefully evaluating the *Ferdik* factors, the Court concludes that 15 | dismissal is appropriate. The Clerk of the Court is directed to 16 | close this action. 17 IT IS SO ORDERED. 18 19 Dated: April 2, 2025 20 opens JOHN A. MENDEZ 22 SENIOR UNITED*STATES DISTRICT JUDGE 23 24 25 26 27 28