

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KIM RHODE, et al.,

Plaintiffs,

v.

XAVIER BECERRA,

Defendant.

Case No.: 18-cv-00802-BEN-JLB

ORDER:

**(1) GRANTING JOINT MOTION TO
VACATE MANDATORY
SETTLEMENT CONFERENCE;
AND**

**(2) VACATING MANDATORY
SETTLEMENT CONFERENCE**

[ECF Nos. 49; 50]


Before the Court is the parties' Joint Motion to Vacate the Mandatory Settlement Conference. (ECF No. 50.) The parties represent that they "have discussed the possibility of settlement and do not believe this case has any chance of settling." (*Id.* at 1.) The sole issue in this case is the constitutionality of California gun control legislation. Plaintiffs represent that they "have no intention of dismissing this lawsuit unless Defendant ceases enforcement of the challenged provisions." (*Id.* at 2.) Defendant maintains that "the challenged provisions are constitutional and duly enacted." (*Id.*) Defendant posits that "[g]iven the Attorney General's sworn duty to uphold the laws of the State, the Attorney

1 General cannot excuse Plaintiffs from compliance with the challenged provisions or
2 otherwise refuse to enforce them.” (*Id.* (citing Cal. Const. art. III, § 3.5).) As such, the
3 Court finds that holding a Mandatory Settlement Conference (“MSC”) would be a waste
4 of resources for the parties and the Court with no practical possibility of settlement.

5 Accordingly, for good cause shown, the Court hereby **GRANTS** the parties’ joint
6 motion and **VACATES** the February 21, 2020 MSC. The Court will reschedule the MSC
7 if directed to do so by Judge Benitez. *See* CivLR 16.1.d.4. Further, the Court may
8 reschedule the MSC upon request of any party.

9 **IT IS SO ORDERED.**

10 Dated: January 16, 2020

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12 Hon. Jill L. Burkhardt
13 United States Magistrate Judge
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