

## Settlement Procedures

Honorable Joseph G. Rosania, Jr.

Courtroom B

### **Vacating Hearings or Trials**

The Court appreciates being notified in advance of settlements that may affect the Court's preparation for a hearing or trial. When a settlement is reached and the parties have agreed that the hearing or trial need not go forward, the parties shall promptly call the Court's Chambers Staff to advise of such development. However, before the Court will vacate a hearing, one of the following must occur:

1. The parties must file a motion to vacate the hearing or trial no later than 3:00 p.m. on the day prior to the scheduled court proceeding. If the motion to vacate is predicated upon the parties' having reached an agreement to settle, a separate motion to approve the settlement agreement or stipulation must be filed. If the motion to approve is not filed contemporaneously with the motion to vacate, the motion to vacate should indicate when the motion to approve will be filed.
2. If the parties do not timely file a motion to vacate, appearance at the scheduled court proceeding is required.<sup>1</sup> Requests to vacate may be considered in open court. If the request to vacate is predicated upon the parties' having reached an agreement to settle, appearance of at least one party is required to inform the court of the general terms.

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<sup>1</sup>Telephonic appearance is allowed if the original court proceeding authorized telephonic appearances.