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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY BUFORD,

Plaintiff,

v.

WASCO STATE PRISON, et al.,

Defendants.

CASE NO. 1:01-cv-05192-AWI-SMS PC

ORDER DENYING PLAINTIFF’S MOTION
FOR LEAVE TO SUBMIT BRIEF FOR
TELEPHONIC STATUS CONFERENCE

(Doc. 213)

ORDER FOLLOWING TELEPHONIC
STATUS CONFERENCE, AND SETTING
TELEPHONIC SETTLEMENT CONFERENCE

Confidential Settlement Conference
Statements Due: March 6, 2009

Settlement Conference Date: March 11, 2009
Time: 10:30 a.m.
Courtroom: 7 (SMS)

This action is proceeding on Plaintiff Timothy Buford’s second amended complaint, filed January 8, 2004, against Defendants Carbajal, Bindel, Huertas, Dobbs, Cheatham, Leong, and Songer (“Defendants”) for violation of 42 U.S.C. § 12132 (Americans with Disabilities Act). Mr. Buford (“Plaintiff”) is proceeding pro se and his ADA claim arises from events which allegedly occurred when he was incarcerated at Wasco State Prison.

On February 17, 2009, at 10:00 a.m., the undersigned held a telephonic status conference.¹ As discussed during the hearing, the undersigned will hold a telephonic settlement conference on

¹ Plaintiff’s motion for leave to file a brief for the conference was received and filed January 29, 2009, but is denied. The Court did not need and did not desire any briefing for the status conference.

1 March 11, 2009, at 10:30 a.m. Both Plaintiff and Defendants' counsel shall call the Court separately
2 at (559) 499-5690.²

3 On or before March 6, 2009, the parties shall mail confidential settlement conference
4 statements to: Chambers of United States Magistrate Judge Sandra M. Snyder, 2500 Tulare Street,
5 Fresno, California, 93721. The parties shall mark the exterior of the envelope "Confidential."
6 Plaintiff's written statement shall include the following information: (1) why Plaintiff believes he
7 can prevail at trial against each of the defendants (e.g., what each defendant did and why that
8 violated Plaintiff's rights under the ADA); (2) what Plaintiff's injuries and damages are as to each
9 of the defendants; and (3) what Plaintiff's settlement demand is as to each of the defendants.
10 Defendants' statement shall include but is not limited to identifying why they believe Plaintiff cannot
11 prevail at trial, and what their settlement offer includes.

12 The deadline to file pretrial dispositive motions was January 9, 2009, and neither Plaintiff
13 nor Defendants filed a motion. If this case does not settle, the Court will provide the parties one final
14 opportunity to file motions and will set a new deadline. However, a new deadline will not be set
15 until after the settlement conference. Because the current deadline has expired, no party may file a
16 pretrial dispositive motion unless and until the Court sets a new deadline, and if any motion is filed
17 prior to the Court setting a new deadline, the motion will be stricken from the record as untimely.
18 Fed. R. Civ. P. 16(b).

19 Accordingly, it is HEREBY ORDERED that:

- 20 1. Plaintiff's motion for leave to file a brief for the telephonic status conference, filed
21 January 29, 2009, is DENIED;
- 22 2. This matter is set for a telephonic settlement conference before the undersigned on
23 March 11, 2009, at 10:30 a.m.;
- 24 3. Plaintiff and Defendants' counsel shall each call the Court separately at (559) 499-
25 5690 on the day and time of the settlement conference;

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28 ² The parties will be transferred to separate lines by staff after calling in.

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- 4. On or before March 6, 2009, Plaintiff and Defendants' counsel shall each mail a confidential settlement conference statement to the address set forth in this order;
- 5. If this case does not settle, the Court will set a new pretrial dispositive motion deadline after the settlement conference; and
- 6. Unless and until a new deadline is set, no pretrial dispositive motions may be filed and if a motion is filed prior to a new deadline being set by the Court, it will be stricken from the record as untimely.

IT IS SO ORDERED.

Dated: February 17, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE