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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DERRICK LEE BILLUPS,  
Plaintiff,

No. CV-06-1014-DCB P

vs.

ORDER SETTING SETTLEMENT  
CONFERENCE BEFORE THE  
HONORABLE JENNIFER L. THURSTON

SERGEANT LOMELI,  
Defendant.

**Date:** May 14, 2012  
**Time:** 1 p.m.  
**Location:** Avenal State Prison (ASP)

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This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Derrick Lee Billups, a state prisoner proceeding pro se. This case shall be referred to United States Magistrate Judge Jennifer L. Thurston to conduct a settlement conference.

In accordance with the above, IT IS HEREBY ORDERED that:

1. This case is set for a settlement conference before Magistrate Judge Jennifer L. Thurston on May 14, 2012, at 1:00 p.m. at ASP, #1 Kings Way, Avenal, California 93204;
2. Parties shall appear at the settlement conference with full authority to negotiate and settle the case on any terms;
3. At least 21 days before the settlement conference, Plaintiff SHALL submit to Defendant by mail, a written itemization of damages and a meaningful settlement demand which includes a brief explanation of why such a settlement is appropriate. Thereafter, no later than 14 days before the settlement conference, Defendant SHALL respond, via fax or mail, with an

1 acceptance of the offer or with a meaningful counteroffer which includes a brief explanation of  
2 why such a settlement is appropriate.


3 4. If settlement is not achieved, each party SHALL provide a confidential  
4 settlement conference statement to Sujean Park, ADR Coordinator, 501 I Street, Suite 4-200,  
5 Sacramento, California 95814, so they arrive no later than May 4, 2012 and file a Notice of  
6 Submission of Confidential Settlement Conference Statement (See L.R. 270(d)); Settlement  
7 statements **should not be filed** with the Clerk of the Court nor served on any other party.  
8 Settlement statements shall be clearly marked "CONFIDENTIAL" with the date and time of the  
9 settlement conference indicated prominently thereon. The confidential settlement statement shall  
10 be **no longer than five pages** in length, typed or neatly printed, and include the following:

- 11
- 12 a A brief statement of the facts of the case.
  - 13 b A brief statement of the claims and defenses, i.e., statutory or other grounds upon  
14 which the claims are founded; a forthright evaluation of the parties likelihood of  
15 prevailing on the claims and defenses; and a description of the major issues in dispute.
  - 16 c A summary of the proceedings to date.
  - 17 d An estimate of the cost and time to be expended for further discovery, pretrial, and  
18 trial.
  - 19 e The relief sought.
  - 20 f The party's position on settlement, including present demands and offers and a history  
21 of past settlement discussions, offers, and demands.
  - 22 g A brief statement of each party's expectations and goals for the settlement  
23 conference.
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5. The Clerk of the Court is directed to serve a copy of this order on the

1 Litigation Office at ASP at (559) 386-2337.

2 DATED this 11<sup>th</sup> day of April, 2012.

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5 David C. Bury  
6 United States District Judge  
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