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NOT FOR PUBLICATION

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

Michael Lenoir Smith,
Plaintiff,
v.
Arnold Schwarzenegger, et al.,
Defendants.

No. 07-cv-1547 SRB (PC)

ORDER

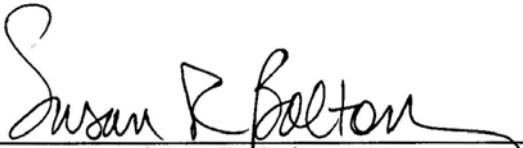
Plaintiff moves to have the Court refer the case to the Eastern District of California’s Voluntary Dispute Resolution Program (“VDRP”) (Doc. 133), a program that allows “participants to take advantage of a wide variety of alternative dispute resolution methods[, including] . . . mediation, negotiation, early neutral evaluation, and settlement facilitation” before one of the other judges in the district. L.R. 271(a)(1). Although parties, individually or collectively, may request referral to the VDRP at any time, “[t]he Court may enter an order of reference only if all parties voluntarily agree to the proposed reference.” L.R. 271(b)(4). Defendants have not responded to the Motion to either object to or agree to referral into the VDRP. The Court will not grant the Motion as unopposed because even if Defendants have technically consented to the Court granting the Motion by not responding, it would make little practical sense to summarily refer the parties into the VDRP only have Defendants withdraw from the program immediately. Moreover, there are certain requirements imposed on the parties before the VDRP selection process can occur, including a meet-and-confer process in which “the parties

1 must confer about (A) whether the parties are willing to participate in the VDRP; and (B)
2 when the VDRP session, if any, should be held.” L.R. 271(d). Although Plaintiff believes
3 the parties can reach an amicable resolution of the case based on conversations he has
4 had with one of Defendants’ attorneys in the discovery process, there is nothing in the
5 record to suggest that the parties specifically discussed the case being referred to the
6 VDRP. The Court denies the pending Motion, but orders Defendants to file a status
7 update explaining why they would object to referral into the VDRP or, if they are willing
8 to consent to VDRP referral, to file an appropriate stipulation. This filing is due no later
9 than Friday, January 16, 2015.

10 **IT IS ORDERED** denying Plaintiff’s Motion for referral into the VDRP (Doc.
11 133).

12 **IT IS ORDERED** instructing Defendants to file a status update explaining why
13 they would object to referral into the VDRP or, if they are willing to consent to VDRP
14 referral, an appropriate stipulation. This filing is due no later than Friday, January 16,
15 2015.

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17 Dated this 7th day of January, 2015.

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22 _____
23 Susan R. Bolton
24 United States District Judge
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