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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HERMAN D. SHEAD,
Plaintiff,
v.
C/O VANG,
Defendant.

Case No. 1:09-cv-00006-AWI-SKO (PC)
**ORDER DENYING MOTION AND
REQUIRING PARTIES TO MEET AND
CONFER REGARDING DISCOVERY
EXCHANGED IF THEY DO NOT REACH A
SETTLEMENT AGREEMENT**
(Docs. 113 and 119)
Meet and Confer Deadline: 03/23/2016

Plaintiff Herman D. Shead (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 5, 2009. This action for damages is proceeding against Defendant Vang (“Defendant”) for excessive force, in violation of the Eighth Amendment of the United States Constitution. On August 24, 2015, Plaintiff filed a motion seeking all discovery exchanged with his former attorneys and a copy of the confidential settlement conference statement submitted by Defendant on August 6, 2013.

Plaintiff’s request for a copy of Defendant’s previously submitted confidential settlement conference statement is denied, with prejudice. Each party’s settlement conference statement is completely confidential. Moreover, settlement conference statements are not part of the record and they not retained by the Court.

This case is set for a settlement conference on February 22, 2016, and Plaintiff’s motion for a copy of all discovery exchanged may become moot. Therefore, the motion is denied without

1 prejudice to renewal after the settlement conference. If this case does not settle, the parties are
2 required to meet and confer on or before **March 23, 2016**, regarding the status of the discovery
3 exchanged with Plaintiff's former counsel. The Court anticipates that given the history in this
4 case with Plaintiff's former counsel, namely their repeated failure to respond to court orders and
5 Plaintiff's letters, the parties will be able to resolve this issue without further judicial intervention.
6 In the event that they are unable to do so, either side may file an appropriate motion with the
7 Court. However, compliance with the meet and confer requirement is a prerequisite to seeking
8 further relief from the Court.

9 Accordingly, for the reasons set forth herein, Plaintiff's motion is DENIED and if this case
10 does not settle, the parties are ORDERED to meet and confer on or before **March 23, 2016**,
11 regarding the discovery exchanged with Plaintiff's former counsel.

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13 IT IS SO ORDERED.

14 Dated: **October 25, 2015**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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