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

<b>JACOB SALCIDO, a minor by and through his guardian ad litem Jeanine Salcido,</b>	)	<b>1:10-CV-195 AWI BAM</b>
	)	
<b>Plaintiff,</b>	)	<b>ORDER DISCHARGING</b>
<b>v.</b>	)	<b>ORDER TO SHOW CAUSE,</b>
	)	<b>RESETTING PRE-TRIAL</b>
<b>THE COUNTY OF MADERA, et al.,</b>	)	<b>CONFERENCE, AND</b>
	)	<b>REQUIRING PARTIES TO</b>
<b>Defendants.</b>	)	<b>MEET AND CONFER</b>
	)	

On September 5, 2012, the Court vacated the pre-trial conference in this matter and issued an order to show cause to Plaintiff why sanctions should not be imposed for failure to follow court rules. See Doc. No. 50. Specifically, Plaintiff failed to participate in the creation or filing of a joint pre-trial statement. See id.

Later on September 5, 2012, Plaintiff’s counsel filed a response. Plaintiff’s counsel apologized to the Court for “inexcusable negligence” and “beg[s] the court’s forgiveness.” See Doc. No. 51. Plaintiff has also submitted information to be included in a joint pre-trial statement. See id. Plaintiff states that he agrees with and incorporates the Defendants’ pre-trial statement, but provides additional information regarding disputed facts, witnesses, exhibits, and a proposed settlement. See id. Of particular note, Plaintiff states that the parties have engaged in extensive settlement negotiations and are about \$5,000 away from reaching a settlement. See id. Plaintiff states that he believes that a court ordered mediation would result in a settlement, and he intends to petition the court for such an order. See id.

1 In light of the very quick response from Plaintiff, the Court will discharge the Order to  
2 Show Cause and reset the pre-trial conference. However, it is Plaintiff's own admitted  
3 negligence that resulted in that order and the lost pre-trial conference. Plaintiff will be ordered to  
4 bear the burden of crafting and filing a joint pre-trial statement. The Court expects Plaintiff to  
5 meet all further deadlines and to timely communicate and work with opposing counsel from this  
6 point forward.

7 In terms of mediation, Plaintiff indicates that this case is very close to reaching a  
8 settlement. The Court notes that a formal settlement conference with the Magistrate Judge has  
9 not occurred (in part because Plaintiff again failed to meet a deadline). See Doc. No. 46. In light  
10 of Plaintiff's representations, the Court will order the parties to meet and confer regarding further  
11 settlement – specifically whether both sides are willing to participate in a formal settlement  
12 conference with the Magistrate Judge or to consent to a mediation. If no consensus can be  
13 reached, Plaintiff may file whatever motions he deems appropriate.

14  
15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The September 5, 2012, order to show cause is DISCHARGED;
- 17 2. The pre-trial conference in this matter is RESET to September 14, 2012, at 9:00 a.m.;
- 18 3. Plaintiff shall communicate with Defendants and file a Joint Pre-Trial Statement as soon  
19 as possible, but no later than September 12, 2012; and
- 20 4. As soon as possible, but prior to the September 14, 2012, pre-trial conference, the parties  
21 shall meet and confer regarding the possibility of either engaging in a settlement  
22 conference before the magistrate judge or engaging in a mediation;<sup>1</sup>

23 IT IS SO ORDERED.

24 Dated: September 6, 2012

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26 \_\_\_\_\_  
CHIEF UNITED STATES DISTRICT JUDGE

27 <sup>1</sup>The parties shall be prepared to discuss the results of this meet and confer at the pre-trial conference. If,  
28 prior to the pre-trial conference, the parties agree to participate in a mediation, then the parties may file a stipulation  
that stays this matter during mediation. Such a stipulation will result in the vacation of the September 14, 2012, pre-  
trial conference and the October 30, 2012, trial dates.