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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 LEONARD RANSOM, JR.,

11 Plaintiff,

12 vs.

13 R. MARQUEZ, et al.,

14 Defendants.

1:10-cv-00397-AWI-EPG-PC

SCHEDULING ORDER FOLLOWING  
STATUS CONFERENCE HELD ON  
APRIL 6, 2016

**Telephonic Discovery Conference**

April 28, 2016 at 10:30 a.m.  
Courtroom 10 (EPG)

**Joint Discovery Statement Due:**

April 26, 2016 by e-mail

**Settlement Conference:**

August 3, 2016 at 10:30 a.m.  
Courtroom 10 (EPG)

**Confidential Settlement Conference**

**Statements Due:** July 27, 2016

**Telephonic Trial Confirmation Hearing:**

August 19, 2016 at 1:30 p.m.  
Courtroom 2 (AWI)

**JURY TRIAL:**

September 27, 2016 at 8:30 a.m.  
Courtroom 2 (AWI)

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25 **I. BACKGROUND**

26 Plaintiff, Leonard Ransom (“Plaintiff”), is a state prisoner proceeding *pro se* and *in*  
27 *forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the  
28 Complaint commencing this case on March 8, 2010. (ECF No. 1.) This case now proceeds

1 with the First Amended Complaint filed on June 29, 2012, against defendants Correctional  
2 Officer (C/O) Amador, C/O Daniel Nava, C/O R. Marquez, and C/O Ralph Nunez for use of  
3 excessive force; and against defendants C/O Daniel Nava, C/O R. Marquez, and Sergeant J. Ybarra,  
4 for failure to protect Plaintiff in violation of the Eighth Amendment. (ECF No. 13.)

5 The deadlines for completion of discovery and for the filing of pretrial dispositive  
6 motions in this case have expired. Defendant Sandoval filed a motion for summary judgment  
7 on July 31, 2015, which was granted by the Court on January 26, 2016, and summary judgment  
8 was entered in favor of Defendant Sandoval. (ECF Nos. 126, 127.) No other motions are  
9 pending.

## 10 **II. STATUS CONFERENCE**

11 On April 6, 2016 at 10:30 a.m.<sup>1</sup> a telephonic status conference was held before  
12 Magistrate Judge Erica P. Grosjean. Plaintiff appeared telephonically on his own behalf, and  
13 California Deputy Attorney General Allison M. Low appeared telephonically on behalf of  
14 Defendants.

15 The parties discussed the status of this case, consent to Magistrate Judge jurisdiction for  
16 trial, and the possibility of settlement. The parties declined Magistrate Judge jurisdiction.  
17 Therefore, District Judge Anthony W. Ishii shall preside over the trial for this case. Jury trial  
18 before Judge Ishii is now scheduled to commence on **September 27, 2016 at 8:30 a.m.**, and a  
19 telephonic trial confirmation hearing before Judge Ishii is scheduled for **August 19, 2016 at**  
20 **1:30 p.m.**

21 Defense counsel requested leave to reopen discovery. Defendants were advised to file a  
22 motion to reopen discovery, but to postpone filing the motion until after the parties have met  
23 and conferred about discovery and participated in an informal discovery conference. A  
24 telephonic informal discovery conference was scheduled for **April 28, 2016 at 10:30 a.m.**  
25 before Magistrate Judge Grosjean. In preparation for the conference, the parties are required to  
26 meet and confer to discuss the case and the discovery issues, and shall submit a joint statement  
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28 <sup>1</sup> Due to difficulties connecting the parties on the telephone, the hearing started half an hour late.

1 to the Court by email at **epgorders@caed.uscourts.gov**, no later than **April 26, 2016**,  
2 discussing the discovery issues to be resolved.

3 Plaintiff was advised that he must turn over his evidence concerning witnesses,  
4 including any witness statements or declarations, to Defendants as soon as possible. The  
5 parties indicated they would cooperate in exchanging documents.

6 A Settlement Conference was scheduled for **August 3, 2016 at 10:30 a.m.** before  
7 Magistrate Judge Erica P. Grosjean. Plaintiff and defense counsel must appear in person and  
8 participate in the settlement conference. The Court shall issue a transportation Writ to bring  
9 Plaintiff to the Court for the settlement conference. The parties' Confidential Settlement  
10 Conference Statements shall be due one week before the settlement conference, no later than  
11 **July 27, 2016**.

### 12 **III. CONCLUSION**

13 Based on the foregoing, IT IS HEREBY ORDERED that:

- 14 1. A telephonic informal discovery conference is scheduled for **April 28, 2016 at**  
15 **10:30 a.m.** in Courtroom 10 before Magistrate Judge Erica P. Grosjean.  
16 Counsel for Defendants is required to arrange for the participation of Plaintiff in  
17 the telephonic conference and to initiate the telephonic conference at **(559) 499-**  
18 **5960;**
- 19 2. Prior to the discovery conference, the parties are required to meet and confer to  
20 discuss this case and the discovery issues. The parties shall submit a joint  
21 statement to the Court no later than **April 26, 2016**, via email at  
22 **epgorders@caed.uscourts.gov**, discussing the discovery issues to be resolved;
- 23 3. A Settlement Conference is scheduled for **August 3, 2016 at 10:30 a.m.**, before  
24 Magistrate Judge Erica P. Grosjean in Courtroom 10 at the United States  
25 Courthouse, Sixth Floor, Courtroom 10, 2500 Tulare Street, Fresno, California;
- 26 4. Defense counsel shall appear at the Settlement Conference in person with full  
27 authority to negotiate and settle the case on any terms. Government entities may  
28 appear through litigation counsel only, but must have immediate access to the

1 individual with settlement authority. The failure of any counsel, party or  
2 authorized person subject to this order to appear in person may result in the  
3 imposition of sanctions;

4 5. Plaintiff shall appear in person at the Settlement Conference. The Court shall  
5 issue a transportation Writ to bring Plaintiff to the Court for the Settlement  
6 Conference;

7 6. Each party shall provide a Confidential Settlement Conference Statement to:

8 Chambers of Magistrate Judge Erica P. Grosjean  
9 United States District Court  
10 2500 Tulare Street, Room 1501  
11 Fresno, California 93721

12 so they are received no later than **July 27, 2016**, and file a **Notice of**  
13 **Submission** of the Confidential Settlement Conference Statement with the Clerk  
14 of the Court (See L.R. 270(d)). Settlement statements **should not be filed** with  
15 the Clerk of the Court nor served on any other party. Settlement statements shall  
16 be clearly marked “CONFIDENTIAL” with the date and time of the settlement  
17 conference indicated prominently thereon. The confidential settlement statement  
18 shall be **no longer than five pages** in length, typed or neatly printed, and  
19 include the following:

- 20 a. A brief statement of the claims and defenses, i.e., statutory or  
21 other grounds upon which the claims are founded; a forthright  
22 evaluation of the parties likelihood of prevailing on the claims  
23 and defenses; and a description of the major issues in dispute;
- 24 b. An evaluation of damages expected at trial if Plaintiff prevails on  
25 his claims;
- 26 c. An estimate of the cost and time to be expended for further  
27 discovery, pretrial, and trial;
- 28 d. The relief sought;

1 e. The party's position on settlement, including present demands  
2 and offers and a history of past settlement discussions, offers, and  
3 demands; and

4 f. A brief statement of each party's expectations and goals for the  
5 settlement conference;

6 7. A telephonic trial confirmation hearing is scheduled for **August 19, 2016 at**  
7 **1:30 p.m.** before District Judge Anthony W. Ishii in Courtroom 2; and

8 8. Jury trial for this case is scheduled to commence on **September 27, 2016 at**  
9 **8:30 a.m.** before District Judge Anthony W. Ishii in Courtroom 2.

10 IT IS SO ORDERED.

11  
12 Dated: **April 7, 2016**

13 /s/ Eric P. Gray  
14 UNITED STATES MAGISTRATE JUDGE