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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 LAMONT SHEPARD,  
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12 Plaintiff,

13 vs.

14 COHEN, et al.,

15 Defendants.

1:11-cv-00535-DAD-EPG-PC

SCHEDULING ORDER FOLLOWING  
STATUS CONFERENCE HELD ON  
APRIL 6, 2016

**Settlement Conference:**

May 20, 2016 at 10:30 a.m.  
Courtroom 10 (EPG)

**Confidential Settlement Conference**

**Statements Due:** May 13, 2016

**Telephonic Trial Confirmation Hearing:**

June 20, 2016 at 1:30 p.m.  
Courtroom 5 (DAD)

**JURY TRIAL:**

August 2, 2016 at 1:00 p.m.  
Courtroom 5 (DAD)

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24 **I. BACKGROUND**

25 Plaintiff, Lamont Shepard (“Plaintiff”), is a state prisoner proceeding *pro se* and *in*  
26 *forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the  
27 Complaint commencing this action on March 30, 2011. (ECF No. 1.) This action now  
28 proceeds on the Second Amended Complaint filed on May 19, 2014, against defendants

1 Sergeant J. Lopez, C/O Z. Dean, and C/O J. Campbell on Plaintiff's excessive force claim.  
2 (ECF No. 41.) The deadlines for completion of discovery and for the filing of pretrial  
3 dispositive motions in this case have expired. Plaintiff filed a motion for summary judgment  
4 on October 14, 2014, and Defendants filed a cross-motion for summary judgment on December  
5 8, 2014. (ECF Nos. 60, 67.) On September 28, 2015, the Court denied Plaintiff's motion for  
6 summary judgment and granted in part Defendants' motion for summary judgment. (ECF No.  
7 85.) No other motions are pending. On December 21, 2015, the Court dismissed Defendant  
8 Dr. Cohen from this action, due to Plaintiff's failure to effect service, without prejudice. (ECF  
9 No. 90.)

## 10 **II. STATUS CONFERENCE**

11 On April 6, 2016 at 2:00 p.m., 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 John P. Walters 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. Defendants declined Magistrate Judge jurisdiction.  
17 Therefore, District Judge Dale A. Drozd shall preside over the trial for this case. Jury trial  
18 before Judge Drozd is now scheduled to commence on **August 2, 2016 at 1:00 p.m.**, and a  
19 telephonic trial confirmation hearing before Judge Drozd is scheduled for **June 20, 2016 at**  
20 **1:30 p.m.**

21 A Settlement Conference was scheduled for **May 20, 2016 at 10:30 a.m.** before  
22 Magistrate Judge Erica P. Grosjean. Plaintiff and defense counsel must appear in person and  
23 participate in the settlement conference. The Court shall issue a transportation Writ to bring  
24 Plaintiff to the Court for the settlement conference. The parties' Confidential Settlement  
25 Conference Statements shall be due one week before the settlement conference, no later than  
26 **May 13, 2016.**

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1 **III. CONCLUSION**

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

- 3 1. A Settlement Conference is scheduled for **May 20, 2016 at 10:30 a.m.**, before  
4 Magistrate Judge Erica P. Grosjean in Courtroom 10 at the United States  
5 Courthouse, Sixth Floor, Courtroom 10, 2500 Tulare Street, Fresno, California;
- 6 2. Defense counsel shall appear at the Settlement Conference in person with full  
7 authority to negotiate and settle the case on any terms. Government entities may  
8 appear through litigation counsel only, but must have immediate access to the  
9 individual with settlement authority. The failure of any counsel, party or  
10 authorized person subject to this order to appear in person may result in the  
11 imposition of sanctions;
- 12 3. Plaintiff shall appear in person at the Settlement Conference. The Court shall  
13 issue a transportation Writ to bring Plaintiff to the Court for the Settlement  
14 Conference;
- 15 4. Each party shall provide a Confidential Settlement Conference Statement to:

16 Chambers of Magistrate Judge Erica P. Grosjean  
17 United States District Court  
18 2500 Tulare Street, Room 1501  
19 Fresno, California 93721

20 so they are received no later than **May 13, 2016**, and file a **Notice of**  
21 **Submission** of the Confidential Settlement Conference Statement with the Clerk  
22 of the Court (See L.R. 270(d)). Settlement statements **should not be filed** with  
23 the Clerk of the Court nor served on any other party. Settlement statements  
24 shall be clearly marked “CONFIDENTIAL” with the date and time of the  
25 Settlement Conference indicated prominently thereon. The Confidential  
26 Settlement Conference Statement shall be **no longer than five pages** in length,  
27 typed or neatly printed, and include the following:

- 28 a. A brief statement of the claims and defenses, i.e., statutory or  
other grounds upon which the claims are founded; a forthright

1 evaluation of the parties likelihood of prevailing on the claims  
2 and defenses; and a description of the major issues in dispute;

3 b. An evaluation of damages expected at trial if Plaintiff prevails on  
4 his claims;

5 c. An estimate of the cost and time to be expended for further  
6 discovery, pretrial, and trial;

7 d. The relief sought;

8 e. The party's position on settlement, including present demands  
9 and offers and a history of past settlement discussions, offers, and  
10 demands; and

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

13 5. A telephonic trial confirmation hearing is scheduled for **June 20, 2016 at 1:30**  
14 **p.m.** before District Judge Dale A. Drozd in Courtroom 5; and

15 6. Jury trial for this case is scheduled to commence on **August 2, 2016 at 1:00**  
16 **p.m.** before District Judge Dale A. Drozd in Courtroom 5.

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18 IT IS SO ORDERED.

19 Dated: **April 7, 2016**

20 /s/ Eric P. Grogan  
21 UNITED STATES MAGISTRATE JUDGE  
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