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5 Attorney for Plaintiffs  
 Alan Stimmell and Pamela Stimmell  
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 8 **IN THE UNITED STATES DISTRICT COURT**  
 9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 ALAN STIMMELL, an individual, PAMELA )  
 STIMMELL, an individual )

12 Plaintiffs, )

13 v. )

14 KAMALA D. HARRIS, Attorney General, State of )  
 15 California (in her official capacity as the Attorney )  
 General of the State of California); JUAN )  
 16 MORALES, a law enforcement Special Agent of )  
 the California Department of Justice, Office of )  
 17 Attorney General, but sued herein in his personal )  
 capacity; FRANK NAVARRO, a law enforcement )  
 18 Special Agent of the California Department of )  
 Justice, Office of Attorney General, but sued herein )  
 19 in his personal capacity; LUKE POWELL, a law )  
 enforcement Special Agent of the California )  
 20 Department of Justice, Office of Attorney General, )  
 but sued herein in his personal capacity; and other )  
 21 unknown state agents, sued in their personal )  
 capacity as DOES 1through 25, inclusive, )

22 Defendants. )  
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**CASE NO. 1:12-CV-00155-LJO-BAM**

**STIPULATION AND ORDER  
 SETTING SETTLEMENT  
 CONFERENCE**

**DATE: August 8, 2013**

**TIME: 10:30 a.m.**

**CTRM: Dept 10 (6<sup>th</sup> floor)  
 Gary S. Austin  
 U.S. Magistrate Judge**

**JURY TRIAL: August 27, 2013**

24 WHEREAS the parties wish to conduct a settlement conference in the above-entitled matter.

25 THEREFORE IT IS HEREBY STIPULATED by the parties to the above-entitled matter, through  
 26 their respective counsel of record herein, that a Settlement Conference be conducted on August 13, 2013,  
 27 at the hour of 10:00 a.m., before the Honorable Magistrate Judge, Barbara A. McAuliffe, Courtroom  
 28 Eight (8) of the above-entitled court.

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Respectfully submitted,

DATED: July 17, 2013

/S/ BRIAN C. LEIGHTON  
BRIAN C. LEIGHTON, Attorney for  
Plaintiffs

DATED: July 17, 2013

/S/ ROHIT KODICAL  
ROHIT KODICAL, Deputy  
Attorney General  
Attorney for Defendant

**ORDER**

A Settlement Conference will be held on **August 8, 2013, at 10:30 AM**, in Courtroom 10 before Magistrate Judge Gary S. Austin. Unless otherwise permitted in advance by the Court, the attorneys who will try the case shall appear at the settlement conference with the parties and the person or persons having full authority to negotiate and settle the case, on any terms, at the conference.

No later than seven days prior to the settlement conference, each party shall submit directly to Judge Austin's chambers at [gsaorders@caed.uscourts.gov](mailto:gsaorders@caed.uscourts.gov), a confidential settlement conference statement. This statement should neither be filed with the clerk of the Court nor served on any other party. Each statement shall be clearly marked "CONFIDENTIAL" with the date and time of the mandatory settlement conference indicated prominently. Counsel are urged to request the return of their statements. If such request is not made, the Court will dispose of the statement.

The confidential settlement conference statement shall include the following:

- A. A brief statement of the facts of the case;
- B. A brief statement of the claims and defenses (i.e., statutory or other grounds upon which the claims or defenses are based), a forthright evaluation of the parties' likelihood of prevailing on the claims and defenses, and a description of the major issues in dispute;
- C. A summary of the proceedings to date;
- D. An estimate of the cost and time to be expended for further pretrial and trial matters, including discovery;
- E. The relief sought; and

1 F. The party's position on settlement, including the amount which the party will accept to  
2 settle, realistic settlement expectations, present demands and offers, and a history of past settlement  
3 discussions, offers, and demands.

4 This Court will vacate the settlement conference if the Court finds the settlement conference will  
5 be neither productive nor meaningful to attempt to resolve all or part of this case. As far in advance of  
6 the settlement conference as possible, a party shall inform the Court and other parties that it believes the  
7 case is not in a settlement posture so the Court may vacate or reset the settlement conference. Otherwise  
8 the parties shall proceed with the settlement conference in good faith to attempt to resolve all or part of  
9 the case.

10 IT IS SO ORDERED.

11 **Dated: July 18, 2013**

**/s/ Barbara A. McAuliffe**  
UNITED STATES MAGISTRATE JUDGE

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