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5   **UNITED STATES DISTRICT COURT**
6   **EASTERN DISTRICT OF CALIFORNIA**
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8   C. DWAYNE GILMORE,   ) Case No.: 1:12-cv-00925-NONE-SAB (PC)
)
9   Plaintiff,   )
)
10   v.   ) ORDER SETTING **REMOTE** SETTLEMENT
) CONFERENCE ON MAY 13, 2021, BEFORE
11   C. LOCKARD, et al.,   ) MAGISTRATE JUDGE BARBARA A.
) McAULIFFE
12   Defendants.   )
)
13   )
)
14   _____   )

15   Plaintiff C. Dwayne Gilmore is a state prisoner proceeding *in forma pauperis* in this civil rights

16   action pursuant to 42 U.S.C. § 1983.

17   This case is currently proceeding pursuant to the Court's second scheduling order issued on

18   October 27, 2020. The Court finds that this case will benefit from a settlement conference. Local Rule

19   270(a). Therefore, this case will be referred to Magistrate Judge Barbara A. McAuliffe to conduct a

20   settlement conference on **May 13, 2021 at 9:30 a.m.** In light of the coronavirus (COVID-19)

21   outbreak and evolving coronavirus protocols, the Court finds that the parties shall appear **remotely** via

22   the Zoom videoconferencing application.

23   The parties shall contact Courtroom Deputy, Esther Valdez, at (559) 499-5799 or

24   evaldez@caed.uscourts.gov for the video and dial-in information, including any necessary passcodes,

25   for all parties. In addition, the parties shall arrange for Plaintiff's participation by contacting the

26   Litigation Coordinator at the institution where Plaintiff is housed and providing the necessary Zoom

27   contact information. The Court will issue any necessary writ of habeas corpus ad testificandum in due

28   course.

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In accordance with the above, IT IS HEREBY ORDERED that:

1. This case is be referred to Magistrate Judge Barbara A. McAuliffe to conduct a settlement conference on **May 13, 2021, at 9:30 a.m.**

2. A representative with full and unlimited authority to negotiate and enter into a binding settlement shall attend in person.

3. Those in attendance must be prepared to discuss the claims, defenses and damages. The failure of any counsel, party or authorized person subject to this order to appear in person may result in the cancellation of the conference and the imposition of sanctions.

4. The parties shall provide a confidential settlement statement to the following email address: bamorders@**caed.uscourts.gov**. Settlement statements shall arrive no later than **May 6, 2021.** The parties shall also file a Notice of Submission of Confidential Settlement Statement (See Local Rule 270(d)). Settlement statements **should not be filed** with the Clerk of the Court **nor served on any other party**. Settlement statements shall be clearly marked confidential with the date and time of the settlement conference indicated prominently thereon.

5. The confidential settlement statement shall be **no longer than five pages** in length, typed or neatly printed, and 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 are founded; a forthright evaluation of the parties' likelihood of prevailing on the claims and defenses; and a description of the major issues in dispute.

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

   d. The party's position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands.

   e. A brief statement of each party's expectations and goals for the settlement conference, including how much a party is willing to accept and/or willing to pay.

1   f. If parties intend to discuss the joint settlement of any other actions or claims not in

2   this suit, give a brief description of each action or claim as set forth above,

3   including case number(s) if applicable.

6   IT IS SO ORDERED.

7   Dated: **February 24, 2021**

8   UNITED STATES MAGISTRATE JUDGE