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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HARVEY HOLCOMB,

Plaintiff,

v.

JERRY RAMAR, et al.,

Defendants.

Case No. 1:13-cv-01102-AWI-SKO

ORDER VACATING SETTLEMENT
CONFERENCE

On December 16, 2013, the Court issued a Scheduling Order setting a settlement conference on September 4, 2014. (ECF No. 22.) The Scheduling Order stated that “[a]t least five (5) court days prior to the Settlement Conference, the parties shall submit, directly to Magistrate Judge Stanley A. Boone chambers by e-mail to saborders@caed.uscourts.gov, a *Confidential Settlement Conference Statement*.” (Scheduling Order 7:1-3.) The Scheduling Order further stated that:

As far in advance of the settlement conference as possible, a party shall inform the Court and other parties that it believes the case is not in a settlement posture so the Court may vacate or reset the settlement conference. Otherwise the parties shall proceed with the settlement conference in good faith to attempt to resolve all or part of the case.

(Scheduling Order 7:23-8:1.)

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1 Defendants submitted a confidential settlement conference statement on August 27, 2014.
2 However, Plaintiff did not submit a confidential settlement conference statement. On August 29,
3 2014, the Court contacted Plaintiff's counsel by e-mail, indicating that the settlement conference
4 would be vacated if Plaintiff's confidential settlement conference statement was not filed by 2:00
5 p.m. A minute was issued regarding the same. Plaintiff responded by e-mailing the courtroom
6 deputy at 1:16 p.m. informing the Court that Plaintiff no longer believes the case is ready for
7 settlement and the parties would file a stipulation to modify the scheduling order.

8 This Court spends considerable time preparing for settlement conference so as to make it
9 meaningful to the parties and results in a greater likelihood of settlement success. Settlement is
10 extremely important in this district where the judges have one of the highest caseloads per judge
11 in the United States. The settlement conference statement assists the Court in adequately
12 preparing for these matters. They are not pro forma. Additionally, the settlement conferences
13 are calendared by the Court and reserved for the sole purpose of conducting that conference
14 which denies other parties an opportunity to have matters heard during that time by this Court.
15 Scheduling is not taken lightly by judges in this court, nor should it by counsel.

16 Due to Plaintiff's failure to file a timely settlement conference statement, the Court will
17 vacate the settlement conference scheduled for September 4. Should the parties desire another
18 settlement conference date, they shall confer and contact the courtroom deputy with available
19 dates. However, no settlement conference shall be set until Plaintiff submits a meaningful
20 confidential settlement statement to the Court.

21 Moreover, to the extent that Defendants have incurred unnecessary costs as a result of
22 preparing to appear at the settlement conference, the Court will entertain a motion for
23 reimbursement of costs. Defendants shall file and notice any such motion on or before
24 September 12, 2014.

25 Based upon the foregoing, it is HEREBY ORDERED that:

- 26 1. The settlement conference scheduled for September 4, 2014 is VACATED;
- 27 2. The Court will reset the settlement conference only upon the filing of a
28 meaningful settlement conference statement by Plaintiff and at a time convenient

1 to all parties and the Court; and

- 2 3. If Defendants desire to recover any unnecessary costs incurred to prepare for the
3 settlement conference, a motion shall be filed on or before September 12, 2014.

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5 IT IS SO ORDERED.

6 Dated: August 29, 2014


UNITED STATES MAGISTRATE JUDGE

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