

1 The parties shall each submit to Judge McAuliffe a confidential settlement conference
2 statement, as described below, to arrive at least seven days (one week) prior to the conference.

3 The Court puts the parties on notice that if Plaintiff has any outstanding criminal restitution
4 obligation, fines and/or penalties, these settlement negotiations shall not be geared towards what the
5 restitution obligation is, but what the value of the case itself is to each side, irrespective of any
6 outstanding restitution obligation.

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

- 8 1. This case is set for a **video** settlement conference, **via the Zoom videoconferencing**
9 **application**, before Magistrate Judge Barbara A. McAuliffe on **June 29, 2022 at 10:00 a.m.**
- 10 2. A representative with full and unlimited authority to negotiate and enter into a binding
11 settlement shall attend **via the Zoom videoconferencing application**.
- 12 3. Those in attendance must be prepared to discuss the claims, defenses and damages. The failure
13 or refusal of any counsel, party or authorized person subject to this order to appear in person
14 may result in the cancellation of the conference and the imposition of sanctions.¹ The manner
15 and timing of Plaintiff's transportation to and from the conference is within the discretion of
16 CDCR.
- 17 4. The parties shall provide a confidential settlement statement to the following email address:
18 **bamorders@caed.uscourts.gov**. Settlement statements shall arrive no later than **June 22,**
19 **2022**. Parties shall also file a Notice of Submission of Confidential Settlement Statement (See
20 Local Rule 270(d)). Settlement statements **should not be filed** with the Clerk of the Court **nor**
21 **served on any other party**. Settlement statements shall be clearly marked "Confidential" with
22 the date and time of the settlement conference indicated prominently thereon.
- 23 5. The confidential settlement statement shall be **no longer than five pages** in length, typed or
24 neatly printed, and include the following:
 - 25 a. A brief statement of the facts of the case.

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27 ¹ Defendant requests to be excused from attendance at the conference. However, the parties are advised that it is not the
28 practice of this Court to order the personal appearance of any Defendants at the settlement conference and the request is
deemed unnecessary.

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- 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.
 - f. If parties intend to discuss the joint settlement of any other actions or claims not in this suit, give a brief description of each action or claim as set forth above, including case number(s) if applicable.
6. If a settlement is reached at any point during the stay of this action, the parties shall file a Notice of Settlement in accordance with Local Rule 160.
7. The parties remain obligated to keep the Court informed of their current address at all times during the stay and while the action is pending. Any change of address must be reported promptly to the Court in a separate document captioned for this case and entitled "Notice of Change of Address." See Local Rule 182(f).
8. **A failure to follow these procedures may result in the imposition of sanctions by the court.**

IT IS SO ORDERED.

Dated: April 21, 2022


UNITED STATES MAGISTRATE JUDGE