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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

HECTOR ALEMAN,  
Plaintiff,  
v.  
C/O K. ACOSTA, *et al.*,  
Defendants.

Case No. 1:15-cv-01293-LJO-JDP

ORDER RECRUITING COUNSEL FOR  
LIMITED PURPOSE OF SETTLEMENT  
AND SETTING SETTLEMENT  
CONFERENCE

Plaintiff Hector Aleman proceeds without counsel in this civil rights action brought under 42 U.S.C. § 1983. On August 8, 2018, the court decided to recruit counsel for plaintiff. (Doc. No. 74.) Christian F. Pereira from the Pro Bono Attorney Panel agreed to represent plaintiff for the limited purpose of assisting him at a settlement conference. United States Magistrate Judge Barbara A. McAuliffe will preside over the settlement conference at the U.S. District Court, 2500 Tulare Street, Fresno, California 93721 in Courtroom No. 8 on November 27, 2018 at 9:30 a.m. The court will issue the order necessary for plaintiff to attend the settlement conference later in the case.

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**Order**

1. Christian F. Pereira will represent plaintiff Hector Aleman for the limited purpose of assisting him in a settlement conference.
  - a. Christian F. Pereira’s representation will terminate fifteen days after completion of the settlement conference, or any continuation of the settlement conference.
  - b. Counsel has the option, though not an obligation, to represent plaintiff after the settlement conference.
  - c. If counsel decides not to continue representing plaintiff after the settlement conference, the court will consider recruiting new counsel for plaintiff.
  - d. Recruited counsel must notify Sujean Park at (916) 930-4278 or through email at [spark@caed.uscourts.gov](mailto:spark@caed.uscourts.gov) if counsel has any question about representation of plaintiff.
2. A settlement conference is scheduled before United States Magistrate Judge Barbara A. McAuliffe on November 27, 2018 at 9:30 a.m. in Courtroom No. 8 at the U.S. District Court, 2500 Tulare Street, Fresno, California 93721.
3. A representative from each party must attend in person.<sup>1</sup> The representative must have authority and discretion—at the time of the settlement conference—to negotiate and enter into a binding settlement. This authority must include fully exploring settlement options.
4. Those attending the settlement conference 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 imposition of sanctions. The conference will not proceed and will be reset to another date.
5. Each party must send a confidential settlement statement to the following email address: [bamorders@caed.uscourts.gov](mailto:bamorders@caed.uscourts.gov). Settlement statements must arrive no later

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<sup>1</sup> See *United States v. U.S. Dist. Court for N. Mariana Islands*, 694 F.3d 1051, 1057 (9th Cir. 2012) (“[T]he district court has broad authority to compel participation in mandatory settlement conference.”).

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than November 20, 2018. Parties must also file a *Notice of Submission of Confidential Settlement Conference Statement* (See Local Rule 270(d)).

a. Settlement statements *should not be filed* with the Clerk of the Court nor served on any other party. Settlement statements must be marked “confidential” and indicate the date and time of the settlement conference.

b. The confidential settlement statement must be no longer than five pages in length, typed or neatly printed, and include the following:

- i. A brief statement of the facts of the case;
- ii. 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;
- iii. An estimate of the cost and time to be expended for further discovery, pretrial, and trial;
- iv. The party’s position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands;
- v. 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; and
- vi. If the 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. The Clerk of the Court is directed to serve a copy of this order upon Christian F. Pereira, Pereira Law, 249 E. Ocean Blvd., Suite 814, Long Beach, CA 90802.

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IT IS SO ORDERED.

Dated: August 16, 2018

  
UNITED STATES MAGISTRATE JUDGE