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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JARED M. VILLERY,
Plaintiff,
vs.
JAY JONES, et al.,
Defendants.

No. 1:15-cv-01360-DAD-JDP

ORDER GRANTING PARTIES' JOINT
REQUEST TO CONTINUE
SETTLEMENT CONFERENCE
(Doc. No. 42.)

Plaintiff Jared M. Villery is a state prisoner proceeding without counsel in this civil rights action brought under 42 U.S.C. § 1983. The court has reviewed the parties' stipulation and joint request to continue the settlement conference currently set for October 18, 2018. (Doc. No. 42.) The court grants this joint request. The order and writ of habeas corpus ad testificandum to transport inmate Jared M. Villery for a settlement conference scheduled before Magistrate Judge Erica P. Grosjean on October 18, 2018 at 10:00 a.m. (Doc. No. 39) will be vacated. The settlement conference will be continued to January 22, 2018, at 10:30 a.m. before Magistrate Judge Erica P. Grosjean at the U.S. District Court, 2500 Tulare Street, Fresno, California 93721 in Courtroom #10.

A separate order and writ of habeas corpus ad testificandum will issue concurrently with this order.

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

- 1 1. This case is set for a settlement conference before Magistrate Judge Erica P. Grosjean
2 on January 22, 2018, at 10:30 a.m. at the U. S. District Court, 2500 Tulare Street,
3 Fresno, California 93721 in Courtroom #10.
- 4 2. Those in attendance must be prepared to discuss the claims, defenses, and damages.
5 The failure of any counsel, party or authorized person subject to this order to appear in
6 person may result in the imposition of sanctions. In addition, the conference will not
7 proceed and will be reset to another date.
- 8 3. Unless otherwise permitted in advance by the court, the attorneys who will try the case
9 shall appear at the settlement conference. It is recommended that pertinent evidence
10 to be offered at trial, documents or otherwise, be brought to the settlement conference
11 for presentation to the settlement judge. Neither the settlement conference statements
12 nor communications during the settlement conference with the settlement judge can be
13 used by either party in the trial of this case.
- 14 4. Absent permission from the court, in addition to counsel who will try the case being
15 present, the individual parties shall also be present¹. In the case of corporate parties,
16 associations or other entities, and insurance carriers, a representative executive with
17 authority to discuss, consider, propose and agree, or disagree, to any settlement
18 proposal or offer shall also be present. A representative with unlimited authority shall
19 either attend in person or be available by phone throughout the conference. In other
20 words, having settlement authority “up to a certain amount” is not acceptable.

21
22 **IF ANY PARTY BELIEVES THAT A SETTLEMENT CONFERENCE**
23 **WOULD BE FUTILE, THEN THAT PARTY SHALL CONTACT THE COURT**
24 **NOT LATER THAN SEVENTY-TWO HOURS PRECEDING THE**
25 **SCHEDULED SETTLEMENT CONFERENCE.**

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27 ¹ In prisoner civil rights cases, a representative from the Attorney General’s Office is sufficient as
28 a party representative.

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5. Each party shall provide a confidential settlement statement to the following email address: epgorders@caed.uscourts.gov. Plaintiff shall mail his confidential settlement statement to U.S. District Court, 2500 Tulare Street, Fresno, California 93721, “Attention: Magistrate Judge Erica P. Grosjean.” The envelope shall be marked “Confidential Settlement Statement.” Settlement statements shall arrive no later than January 15, 2018. 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 court **nor served on any other party**. Settlement statements shall be clearly marked “confidential” with the date and time of the settlement conference clearly noted on the first page.

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. A summary of the proceedings to date.
- d. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
- e. The relief sought.
- f. The party’s position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands.

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IT IS SO ORDERED.

Dated: October 4, 2018


UNITED STATES MAGISTRATE JUDGE