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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

REGINALD RAY YORK,

Plaintiff,

v.

GARCIA, *et al.*,

Defendants.

Case No. 1:15-cv-01828-ADA-BAM (PC)

**ORDER SETTING SETTLEMENT
CONFERENCE**

Hearing: **Settlement Conference**
Date: **February 6, 2023**
Time: **9:30 a.m.**
Judge: **Barbara A. McAuliffe**
Location: **via Zoom Videoconference**

Plaintiff Reginald Ray York (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This case is currently set for a jury trial to begin April 25, 2023 at 8:30 a.m. in Courtroom 1 (ADA) before District Judge Ana de Alba.

The Court has determined that this case will benefit from a settlement conference. Therefore, this case was referred to the undersigned to conduct a settlement conference on **February 6, 2023 at 9:30 a.m.** The Court will issue any necessary transportation order in due course.

Counsel for Defendants shall contact Courtroom Deputy Esther Valdez at (559) 499-5788 or evaldez@caed.uscourts.gov for the video and dial-in information, including any necessary passcodes, for all parties. Counsel for Defendants is also required to arrange for Plaintiff’s participation by contacting the Litigation Coordinator at the institution where Plaintiff is housed and providing the necessary Zoom contact information.

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 Defendants shall be prepared to negotiate the merits of the case and offer more than a waiver
8 of costs as a reasonable compromise to settle the case. The parties are also informed that an offer of
9 dismissal in exchange for a waiver of costs is not considered good faith settlement negotiations.

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

- 11 1. This case is set for a **video** settlement conference, **via the Zoom videoconferencing**
12 **application**, before Magistrate Judge Barbara A. McAuliffe on **February 6, 2023, at 9:30**
13 **a.m.**
- 14 2. A representative with full and unlimited authority to negotiate and enter into a binding
15 settlement shall attend **via the Zoom videoconferencing application**.¹
- 16 3. Those in attendance must be prepared to discuss the claims, defenses and damages. The
17 failure or refusal of any counsel, party or authorized person subject to this order to appear
18 in person may result in the cancellation of the conference and the imposition of sanctions.
19 The manner and timing of Plaintiff's transportation to and from the conference is within the
20 discretion of CDCR.
- 21 4. Defendant shall provide a confidential settlement statement to the following email address:
22 **bamorders@caed.uscourts.gov**. Plaintiff shall mail his confidential settlement statement
23 to U.S. District Court, 2500 Tulare Street, Fresno, California 93721, "**Attention:**
24 **Magistrate Judge Barbara A. McAuliffe.**" The envelope shall be marked "Confidential
25 Settlement Statement." Settlement statements shall arrive no later than **January 30, 2023.**
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28 ¹ In light of the coronavirus (COVID-19) outbreak and the evolving coronavirus protocols, the Court may issue an order at a later date requiring the parties to appear in person.

1 Parties shall also file a Notice of Submission of Confidential Settlement Statement (See
2 Local Rule 270(d)). Settlement statements **should not be filed** with the Clerk of the Court
3 **nor served on any other party**. Settlement statements shall be clearly marked
4 “Confidential” with the date and time of the settlement conference indicated prominently
5 thereon.

6 5. The confidential settlement statement shall be **no longer than five pages** in length, typed
7 or neatly printed, and include the following:

8 a. A brief statement of the facts of the case.

9 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon
10 which the claims are founded; a forthright evaluation of the parties’ likelihood of
11 prevailing on the claims and defenses; and a description of the major issues in
12 dispute.

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

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

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

19 f. If parties intend to discuss the joint settlement of any other actions or claims not in
20 this suit, give a brief description of each action or claim as set forth above,
21 including case number(s) if applicable.

22 6. The parties remain obligated to keep the Court informed of their current address at all times
23 while the action is pending. Any change of address must be reported promptly to the Court
24 in a separate document captioned for this case and entitled “Notice of Change of Address.”
25 See Local Rule 182(f).

26 7. **Counsel for Defendants is required to arrange for Plaintiff’s participation by**
27 **contacting the Litigation Coordinator at the institution where Plaintiff is housed and**
28 **providing the necessary Zoom contact information.**

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8. A failure to follow these procedures may result in the imposition of sanctions by the court.

IT IS SO ORDERED.

Dated: December 12, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE