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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CURTIS ANDERSON,)	Case No.: 1:16-cv-00352-DAD-SAB (PC)
Plaintiff,)	
v.)	ORDER SETTING SETTLEMENT CONFERENCE
UNITED STATES OF AMERICA,)	(Doc. No. 72)
Defendant.)	Date: August 27, 2019
)	Time: 9:30 a.m.
)	Place: Courtroom 8 (BAM)
)	Before the Honorable Barbara A. McAuliffe

Plaintiff Curtis Anderson is a federal prisoner proceeding *pro se* and *in forma pauperis* in this civil action pursuant to the Federal Tort Claims Act.

On June 3, 2019, in his amended pretrial statement, Plaintiff requested a settlement conference. (Doc. No. 70, at 4.) On June 26, 2019, Defendant United States of America filed its own request for a settlement conference. (Doc. No. 72).

The Court has determined that this case will benefit from a settlement conference. Therefore, Plaintiff's and Defendant's requests for a settlement conference is granted. This case will be referred to Magistrate Judge Barbara A. McAuliffe to conduct a settlement conference at the United States Courthouse in Fresno, California on **August 27, 2019, at 9:30 a.m.**

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

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

5 Accordingly, it is HEREBY ORDERED that:

- 6 1. This case is set for a settlement conference before Magistrate Judge Barbara A.
7 McAuliffe on **August 27, 2019, at 9:30 a.m.**, at the United States Courthouse located at
8 2500 Tulare Street, Fresno, California 93721.
- 9 2. Plaintiff is to appear at the settlement conference by video conference from his present
10 place of confinement.
- 11 3. A representative of Defendant with full and unlimited authority to negotiate and enter
12 into a binding settlement shall attend in person.
- 13 4. Those in attendance must be prepared to discuss the claims, defenses, and damages.
- 14 5. Defendants shall provide a confidential settlement statement to the following email
15 address: **bamorders@caed.uscourts.gov**. Plaintiff shall mail his confidential
16 settlement statement to U.S. District Court, 2500 Tulare Street, Fresno, California,
17 93721, **“Attention: Magistrate Judge Barbara A. McAuliffe.”** The envelope shall
18 be marked “Confidential Settlement Statement”. Settlement statements shall arrive no
19 later than **August 20, 2019**. Parties shall also file a Notice of Submission of
20 Confidential Settlement Statement. See Local Rule 270(d). Settlement statements
21 **should not be filed** with the Clerk of the Court **nor served on any other party**.
22 Settlement statements shall be clearly marked “confidential” with the date and time of
23 the settlement conference indicated prominently thereon.
- 24 6. The confidential settlement statement shall be **no longer than five pages** in length,
25 typed or neatly printed, and include the following:
 - 26 a. A brief statement of the facts of the case.
 - 27 b. A brief statement of the claims and defenses, i.e., statutory or other grounds
28 upon which the claims are founded; a forthright evaluation of the parties’

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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 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.

7. The parties remain obligated to keep the Court informed of their current address at all times 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: July 3, 2019



UNITED STATES MAGISTRATE JUDGE