

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

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

6 1. This case is set for a remote settlement conference before Magistrate Judge Stanley A.
7 Boone on **July 22, 2021 at 11:00 a.m.**

8 2. A representative with full and unlimited authority to negotiate and enter into a binding
9 settlement shall attend in person.

10 3. Those in attendance must be prepared to discuss the claims, defenses and damages.

11 The failure of any counsel, party or authorized person subject to this order to appear in
12 person may result in the cancellation of the conference and the imposition of
13 sanctions. The manner and timing of Plaintiff's transportation to and from the
14 conference is within the discretion of CDCR.

15 4. Defendants shall provide a confidential settlement statement to the following email
16 address: saborders@caed.uscourts.gov. Plaintiff shall mail his confidential settlement
17 statement to U.S. District Court, 2500 Tulare Street, Fresno, California 93721,

18 "**Attention: Magistrate Judge Stanley A. Boone.**" The envelope shall be marked
19 "Confidential Settlement Statement." Settlement statements shall arrive no later than

20 **July 15, 2021.** Both parties shall also file a Notice of Submission of Confidential
21 Settlement Conference Statement (See Local Rule 270(d)). Settlement statements
22 **should not be filed** with the Clerk of the Court **nor served on any other party.**

23 Settlement statements shall be clearly marked "confidential" with the date and time of
24 the settlement conference indicated prominently thereon.

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

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

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- 1 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon
2 which the claims are founded; a forthright evaluation of the parties' likelihood of
3 prevailing on the claims and defenses; and a description of the major issues in
4 dispute.
- 5 c. An estimate of the cost and time to be expended for further discovery, pretrial, and
6 trial.
- 7 d. The party's position on settlement, including present demands and offers and a
8 history of past settlement discussions, offers, and demands.
- 9 e. A brief statement of each party's expectations and goals for the settlement
10 conference, including how much a party is willing to accept and/or willing to pay.
- 11 f. If the parties intend to discuss the joint settlement of any other actions or claims
12 not in this suit, give a brief description of each action or claim as set forth above,
13 including case number(s) if applicable.
- 14 6. If a settlement is reached at any time prior to the settlement conference, defense
15 counsel is to immediately inform the courtroom deputy of Magistrate Judge Boone
16 and file a Notice of Settlement in accordance with Local Rule 160.
- 17 7. The parties remain obligated to keep the court informed of their current address at all
18 times while the action is pending. Any change of address must be reported promptly
19 to the court in a separate document captioned for this case and entitled "Notice of
20 Change of Address." See Local Rule 182(f).
- 21 8. A failure to follow these procedures may result in the imposition of sanctions by the
22 court.

23
24 IT IS SO ORDERED.

25 Dated: May 27, 2021

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE