

1 and speaking with plaintiff, and after conferring with defense counsel’s supervisor, counsel finds in
2 good faith that a settlement conference would be a waste of resources², defense counsel may move to
3 opt out of this pilot project.

4 Notwithstanding the requirements of Local Rule 270(b), the settlement conference will be
5 conducted by Magistrate Judge Thurston. The Court deems the deviation from the Local Rule to be
6 appropriate and in the interests of the parties and justice and sound case management based upon the
7 location of the parties. **If any party prefers that the settlement conference be conducted by a**
8 **judicial officer who is not assigned to this case, that party is directed to notify the Court in**
9 **response to this order of this preference** and another judicial officer to be assigned to handle the
10 conference. If all parties to the action have consented to Magistrate Judge jurisdiction, the settlement
11 conference will be reassigned to a different judicial officer.

12 **Within 35 days**, the assigned Deputy Attorney General **SHALL** contact the Courtroom
13 Deputy Clerk at SHall@caed.uscourts.gov, to schedule the settlement conference. If the settlement
14 conference cannot be set quickly due to the court’s calendar, the parties may seek an extension of the
15 initial 90-day stay.

16 Once the settlement conference is scheduled, at least seven days before the conference, the
17 parties shall submit to the assigned settlement judge a confidential settlement conference statement.
18 The parties’ confidential settlement conference statement **SHALL** include:

- 19 a. A short statement of the facts and alleged damages;
- 20 b. A short procedural history;
- 21 c. A frank analysis of the likelihood of liability, including a discussion of the efforts made
22 to investigate the claims;
- 23 d. A discussion of the efforts that have been made to settle the case;
- 24 e. To the extent that Doe Defendants are named and their identities can be ascertained,
25 defense counsel shall indicate the names of the Doe Defendants; and,
- 26 b. Defense counsel shall indicate whether he/she knows of the location of the defendants;

27 _____
28 ² By way of guidance, if the defense intends to file an exhaustion motion and believes in good faith that it has a significant chance of success, this would be a likely circumstance where the opt-out provision should be employed.

1 Based upon the foregoing, the Court **ORDERS**:

2 1. This action is **STAYED** for 90 days to allow the parties an opportunity to settle their
3 dispute before a responsive pleading is filed, or the discovery process begins. No other pleadings or
4 other documents may be filed in this case during the stay. The parties **SHALL NOT** engage in formal
5 discovery, but they may jointly agree to engage in informal discovery.

6 2. Within 30 days from the date of this order, the parties **SHALL** file the attached
7 notice, indicating their agreement to proceed to an early settlement conference or whether they believe
8 settlement is not achievable at this time. In addition, they **SHALL** indicate whether they object to the
9 undersigned conducting the settlement conference.

10 3. Within 35 days from the date of this order, the assigned Deputy Attorney General
11 **SHALL** contact this court's Courtroom Deputy Clerk at SHall@caed.uscourts.gov, to schedule the
12 settlement conference;

13 4. Each party shall submit a confidential settlement conference statement so it is received
14 at least seven days before the settlement conference.

15 The plaintiff **SHALL** mail his/her confidential settlement conference statement to:

16 United States Courthouse
17 510 19th Street, Suite 200
18 Bakersfield, CA 93301

19 Counsel **SHALL** lodge the defendant's confidential settlement conference statement via email to
20 JLTOOrders@caed.uscourts.gov.

21 If a different judge is conducting the conference, the Clerk of the Court will forward the unread
22 settlement conference statements to the correct judge;

23 5. If the parties settle their case during the stay of this action, they **SHALL** file a Notice
24 of Settlement as required by Local Rule 160;

25 6. The Clerk of the Court **SHALL** serve via email, copies of: a. the Third Amended
26 Complaint (Doc. 17), b. the screening orders (Docs. 19, 20), and c. this order to Supervising Deputy
27 Attorney General Christopher Becker, and copy of this order to ADR Coordinator Sujean Park;

28 7. The parties are reminded of their obligation to keep the court informed of any changes
of addresses during the stay and while the action is pending. Changes of address must be reported

1 promptly in a separate document entitled “Notice of Change of Address.” *See* L.R. 182(f).

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3 IT IS SO ORDERED.

4 Dated: October 26, 2018

/s/ Jennifer L. Thurston
5 UNITED STATES MAGISTRATE JUDGE

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

RANDY LANGLEY,
Plaintiff,
v.
GARCIA, et al.,
Defendants.

Case No.: 1:16-cv-1299-LJO-JLT (PC)
NOTICE REGARDING EARLY SETTLEMENT
CONFERENCE

As required by the Court’s order:

1. The party or counsel for the party signing below, agrees that there is a good chance that an early settlement conference will resolve this action and wishes to engage in an early settlement conference.

Yes _____ No _____

2. The party or counsel for the party signing below, agrees the assigned Magistrate Judge may conduct the settlement conference.

Yes _____ No _____

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3 3. The plaintiff (Check one):

4 _____ Would like to participate in the settlement conference in person, OR

5 _____ Would like to participate in the settlement conference by video conference.

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7 Dated:

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Plaintiff or Counsel for Defendants

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