



1 a waste of resources<sup>2</sup>, defense counsel may move to opt out of this pilot project.

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

10 **Within 35 days**, defense counsel **SHALL** contact the Courtroom Deputy Clerk at  
11 SHall@caed.uscourts.gov, to schedule the settlement conference. If the settlement conference cannot  
12 be set quickly due to the court's calendar, the parties may seek an extension of the initial 90-day stay.

13 Once the settlement conference is scheduled, at least seven days before the conference, the  
14 parties shall submit to the assigned settlement judge a confidential settlement conference statement.

15 The parties' confidential settlement conference statement **SHALL** include:

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

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

- 25 1. This action is **STAYED** for 90 days to allow the parties an opportunity to settle their  
26 dispute before a responsive pleading is filed, or the discovery process begins. No other pleadings or  
27

---

28 <sup>2</sup> 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 other documents may be filed in this case during the stay. The parties **SHALL NOT** engage in formal  
2 discovery, but they may jointly agree to engage in informal discovery.

3 2. **Within 30 days from the date of this order**, defense counsel<sup>3</sup> **SHALL** file the  
4 attached notice, indicating their agreement to proceed to an early settlement conference or whether  
5 they believe settlement is not achievable at this time. In addition, they **SHALL** indicate whether they  
6 object to the undersigned conducting the settlement conference.

7 3. **Within 35 days from the date of this order**, defense counsel **SHALL** contact this  
8 court's Courtroom Deputy Clerk at SHall@caed.uscourts.gov, to schedule the settlement conference;

9 4. Each party **SHALL** submit a confidential settlement conference statement **so it is**  
10 **received at least seven days before** the settlement conference.

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

12 United States Courthouse  
13 510 19th Street, Suite 200  
Bakersfield, CA 93301

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

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

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

20 6. The Clerk of the Court **SHALL** serve a copy of this order to ADR Coordinator Sujean  
21 Park via email;

22 ///

23 ///

24 ///

25 ///

26 ///

27 \_\_\_\_\_

28 <sup>3</sup> Plaintiff filed a response to the initial order referring the case to the post-screening ADR project, so he does not need to  
file another response. (See Docs.25, 28.)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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)  
DEFENDANTS' 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 \_\_\_\_\_

Dated:

\_\_\_\_\_  
Counsel for Defendants