

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARRY WILLIAM CORTINAS,
Plaintiff,
vs.
M. HUERTA, et al.,
Defendants.

1:17-cv-00130-AWI-GSA-PC

**ORDER SETTING SETTLEMENT
CONFERENCE**

Larry William Cortinas (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. The court has determined that this case will benefit from a settlement conference. Therefore, this case will be referred to Magistrate Judge Stanley A. Boone for the court’s Settlement Week program to conduct a settlement conference on **May 24, 2021 at 9:30 a.m.** In light of the coronavirus (COVID-19) outbreak and evolving coronavirus protocols, the court finds that the parties shall appear **remotely** via the Zoom videoconferencing application.

Counsel for Defendants shall contact Courtroom Deputy, Mamie Hernandez, at (559) 499-5672 or mhernandez@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.

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

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
7 A. Boone on **May 24, 2021 at 9:30 a.m.**
- 8 2. A representative with full and unlimited authority to negotiate and enter into a
9 binding 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
12 in 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
17 settlement statement to U.S. District Court, 2500 Tulare Street, Fresno, California
18 93721, "**Attention: Magistrate Judge Stanley A. Boone.**" The envelope shall be
19 marked "Confidential Settlement Statement." Settlement statements shall arrive no
20 later than **May 17, 2021**. Both parties shall also file a Notice of Submission of
21 Confidential Settlement Conference Statement (See Local Rule 270(d)). Settlement
22 statements **should not be filed** with the Clerk of the Court **nor served on any other**
23 **party**. Settlement statements shall be clearly marked "confidential" with the date
24 and time of 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.

28 ///

- b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon which the claims are founded; a forthright evaluation of the parties' 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.

6. If a settlement is reached at any time prior to the settlement conference, defense counsel is to immediately inform the courtroom deputy of Magistrate Judge Boone and file a Notice of Settlement in accordance with Local Rule 160.

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: **March 31, 2021**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE