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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER DICKSON,

Plaintiff,

v.

GOMEZ, *et al.*,

Defendants.

Case No. 1:17-cv-00294-DAD-BAM (PC)

ORDER SETTING SETTLEMENT
CONFERENCE AND STAYING CASE

Hearing: **Settlement Conference**
Date: **March 4, 2021**
Time: **10:00 a.m.**
Judge: **Stanley A. Boone**
Location: **via Zoom Videoconference**

Plaintiff Christopher Dickson (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Gomez, Rios, and Martinez for excessive force and against Defendants Duncan and Esparza for violations of Plaintiff’s due process rights.

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 to conduct a settlement conference on **March 4, 2021 at 10:00 a.m.** In light of the coronavirus (COVID-19) outbreak and the evolving coronavirus protocols, the Court finds that the parties shall appear **remotely** via the Zoom videoconferencing application.

The parties shall each submit to Judge Boone 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 of the case itself is to each side, irrespective of any
4 outstanding restitution obligation.

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

- 6 1. This action is STAYED to allow the parties an opportunity to settle their dispute before the
7 discovery process begins. Except as provided herein or by subsequent court order, no other
8 pleadings or other documents may be filed in this case during the stay of this action. The
9 parties shall not engage in formal discovery, but may engage in informal discovery to
10 prepare for the settlement conference.
- 11 2. This case is set for a video settlement conference, via the Zoom videoconferencing
12 application, before Magistrate Judge Stanley A. Boone on **March 4, 2021, at 10:00 a.m.**
- 13 3. A representative with full and unlimited authority to negotiate and enter into a binding
14 settlement shall attend via the Zoom videoconferencing application.¹
- 15 4. Those in attendance must be prepared to discuss the claims, defenses and damages. The
16 failure or refusal of any counsel, party or authorized person subject to this order to appear
17 in person may result in the cancellation of the conference and the imposition of sanctions.
18 The manner and timing of Plaintiff's transportation to and from the conference is within the
19 discretion of CDCR.
- 20 5. Defendants shall provide a confidential settlement statement to the following email
21 address: **saborders@caed.uscourts.gov**. Plaintiff shall mail his confidential settlement
22 statement to U.S. District Court, 2500 Tulare Street, Fresno, California 93721, "**Attention:**
23 **Magistrate Judge Stanley A. Boone.**" The envelope shall be marked "Confidential
24 Settlement Statement." Settlement statements shall arrive no later than **February 25,**
25 **2021**. Parties shall also file a Notice of Submission of Confidential Settlement Statement
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28 ¹ In light of the coronavirus (COVID-19) outbreak and the evolving coronavirus protocols, the Court may issue an order at a later date requiring the parties to appear in person.

1 (See Local Rule 270(d)). Settlement statements **should not be filed** with the Clerk of the
2 Court **nor served on any other party**. Settlement statements shall be clearly marked
3 “Confidential” with the date and time of the settlement conference indicated prominently
4 thereon.

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

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

8 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon
9 which the claims are founded; a forthright evaluation of the parties’ likelihood of
10 prevailing on the claims and defenses; and a description of the major issues in
11 dispute.

12 c. An estimate of the cost and time to be expended for further discovery, pretrial, and
13 trial.

14 d. The party’s position on settlement, including present demands and offers and a
15 history of past settlement discussions, offers, and demands.

16 e. A brief statement of each party’s expectations and goals for the settlement
17 conference, including how much a party is willing to accept and/or willing to pay.

18 f. If parties intend to discuss the joint settlement of any other actions or claims not in
19 this suit, give a brief description of each action or claim as set forth above,
20 including case number(s) if applicable.

21 7. If a settlement is reached at any point during the stay of this action, the parties shall file a
22 Notice of Settlement in accordance with Local Rule 160.

23 8. The parties remain obligated to keep the Court informed of their current address at all times
24 during the stay and while the action is pending. Any change of address must be reported
25 promptly to the Court in a separate document captioned for this case and entitled “Notice
26 of Change of Address.” See Local Rule 182(f).

27 9. Counsel for Defendants is required to arrange for Plaintiff’s participation by contacting the
28 Litigation Coordinator at the institution where Plaintiff is housed. Counsel shall also

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contact Courtroom Deputy, Mamie Hernandez, at (559) 499-5672 or
mhernandez@caed.uscourts.gov for more information on how to facilitate the conference;
and

10. **A failure to follow these procedures may result in the imposition of sanctions by the court.**

IT IS SO ORDERED.

Dated: December 18, 2020

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE