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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 MITCHELL GARRAWAY,

12 Plaintiff,

13 vs.

14 JACQUILINE CIUFO, et al.,

15 Defendants.  
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**1:17-cv-00533-DAD-GSA-PC**

**ORDER SETTING SETTLEMENT  
CONFERENCE**

**May 25, 2021 at 9:30 a.m.**

**Videoconference**

**Magistrate Judge Stanley A. Boone**

21 Mitchell Garraway (“Plaintiff”) is a federal prisoner proceeding *pro se* and *in forma*  
22 *pauperis* with this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388  
23 (1971). The court has determined that this case will benefit from a settlement conference  
24 between Plaintiff and Defendant Ciufo only. Therefore, this case will be referred to Magistrate  
25 Judge Stanley A. Boone for the court’s Settlement Week program to conduct a settlement  
26 conference on **May 25, 2021 at 9:30 a.m.** In light of the coronavirus (COVID-19) outbreak  
27 and evolving coronavirus protocols, the court finds that the parties shall appear **remotely** via  
28 the Zoom videoconferencing application.

1 Counsel for Defendant Ciufu shall contact Courtroom Deputy, Mamie Hernandez, at  
2 (559) 499-5672 or mhernandez@caed.uscourts.gov for the video and dial-in information,  
3 including any necessary passcodes, for all parties. Counsel for Defendant Ciufu is also  
4 required to arrange for Plaintiff's participation by contacting the Litigation Coordinator at the  
5 institution where Plaintiff is housed and providing the necessary Zoom contact information.

6 Plaintiff and Defendant Ciufu shall each submit to Judge Boone a confidential  
7 settlement conference statement, as described below, to arrive at least seven days prior (one  
8 week) to the conference.

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

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

14 1. This case is set for a remote settlement conference before Magistrate Judge Stanley  
15 A. Boone on **May 25, 2021 at 9:30 a.m.**

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

18 3. Those in attendance must be prepared to discuss the claims, defenses and damages.  
19 The failure of any counsel, party or authorized person subject to this order to appear  
20 in person may result in the cancellation of the conference and the imposition of  
21 sanctions. The manner and timing of Plaintiff's transportation to and from the  
22 conference is within the discretion of CDCR.

23 4. Defendant Ciufu shall provide a confidential settlement statement to the following  
24 email address: [saborders@caed.uscourts.gov](mailto:saborders@caed.uscourts.gov). Plaintiff shall mail his confidential  
25 settlement statement to U.S. District Court, 2500 Tulare Street, Fresno, California  
26 93721, "**Attention: Magistrate Judge Stanley A. Boone.**" The envelope shall be  
27 marked "Confidential Settlement Statement." Settlement statements shall arrive no  
28 later than **May 18, 2021**. Both parties shall also file a Notice of Submission of

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

- 5           5. The confidential settlement statement shall be **no longer than five pages** in length,  
6 typed 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  
9           upon which the claims are founded; a forthright evaluation of the parties’  
10           likelihood of prevailing on the claims and defenses; and a description of the  
11           major issues in dispute.
  - 12           c. An estimate of the cost and time to be expended for further discovery, pretrial,  
13           and 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  
18           pay.
  - 19           f. If the parties intend to discuss the joint settlement of any other actions or claims  
20           not in this suit, give a brief description of each action or claim as set forth above,  
21           including case number(s) if applicable.
- 22           6. If a settlement is reached at any time prior to the settlement conference, defense  
23           counsel is to immediately inform the courtroom deputy of Magistrate Judge Boone  
24           and file a Notice of Settlement in accordance with Local Rule 160.
- 25           7. The parties remain obligated to keep the court informed of their current address at  
26           all time during the stay and while the action is pending. Any change of address  
27           must be reported promptly to the court in a separate document captioned for this  
28           case and entitled “Notice of Change of Address.” See Local Rule 182(f).

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

IT IS SO ORDERED.

Dated: March 12, 2021

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE