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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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9 JACK CHURCH,) Case No.: 1:17-cv-00596-AWI-JLT (PC)
10 Plaintiff,)
11 v.) ORDER VACATING DISCOVERY AND
12 J. NAFTZGER,) SCHEDULING ORDER; REFERRING THE
13 Defendant.) CASE TO POST-SCREENING ADR PROJECT;
) and STAYING THE CASE FOR 90 DAYS
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15 As set forth in the screening order, the Court has found the plaintiff has stated at least one
16 cognizable civil rights claim. Thus, the Court vacates the current Discovery and Scheduling Order and
17 **STAYS this action for 90 days** to allow the parties to investigate the plaintiff’s claims, meet and
18 confer and participate in a settlement conference. ¹

19 There is a presumption that all post-screening civil rights cases assigned to the
20 undersigned will proceed to settlement conference. However, if after investigating plaintiff’s claims
21 and speaking with plaintiff, and after conferring with defense counsel’s supervisor, counsel finds in
22 good faith that a settlement conference would be a waste of resources², defense counsel may move to
23 opt out of this pilot project.

24 Notwithstanding the requirements of Local Rule 270(b), the settlement conference will be
25 conducted by Magistrate Judge Thurston. The Court deems the deviation from the Local Rule to be
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28 ¹ If the case does not settle during the stay, Court will thereafter issue a new Discovery and Scheduling Order.
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 appropriate and in the interests of the parties and justice and sound case management based upon the
2 location of the parties. **If any party prefers that the settlement conference be conducted by a**
3 **judicial officer who is not assigned to this case, that party is directed to notify the Court in**
4 **response to this order of this preference** and another judicial officer to be assigned to handle the
5 conference. If all parties to the action have consented to Magistrate Judge jurisdiction, the settlement
6 conference will be reassigned to a different judicial officer.

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

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

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

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

21 b. Defense counsel shall indicate whether he/she knows of the location of the defendants;
22 Based upon the foregoing, the Court **ORDERS**:

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

27 2. **Within 30 days from the date of this order**, the parties **SHALL** file the attached
28 notice, indicating their agreement to proceed to an early settlement conference or whether they believe

1 settlement is not achievable at this time. In addition, they **SHALL** indicate whether they object to the
2 undersigned conducting the settlement conference.

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

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

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

9 United States Courthouse
10 510 19th Street, Suite 200
Bakersfield, CA 93301

11 Counsel **SHALL** lodge the defendant’s confidential settlement conference statement via email to
12 JLTOOrders@caed.uscourts.gov.

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

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

17 6. The Clerk of the Court **SHALL** serve via email, copies of: a. plaintiff’s complaint
18 (Doc. 1), b. the screening orders (Doc. 19, 21), and c. this order to Supervising Deputy Attorney
19 General Christopher Becker, and copy of this order to ADR Coordinator Sujean Park;

20 7. **The parties are reminded of their obligation to keep the court informed of any changes**
21 **of addresses during the stay and while the action is pending.** Changes of address must be reported
22 promptly in a separate document entitled “Notice of Change of Address.” *See* L.R. 182(f); and

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1 8. The Discovery and Scheduling Order that issued on October 12, 2018 (Doc. 29) is
2 **VACATED.**

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4 IT IS SO ORDERED.

5 Dated: October 29, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JACK CHURCH,
Plaintiff,
v.
J. NAFTZGER,
Defendant.

Case No.: 1:17-cv-00596-AWI-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. The plaintiff (Check one):

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

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

Dated:

Plaintiff or Counsel for Defendants