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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

QUINCY MOSLEY,  
Plaintiff,  
v.  
S. STEWART, et al.,  
Defendants.

**CASE NO. 1:17-cv-00852-DAD JLT (PC)**  
**ORDER REFERRING THE CASE TO POST-SCREENING ADR PROJECT AND STAYING THE CASE FOR 90 DAYS**

When at least one defendant has been served and/or filed an answer, the Court is referring all post-screening, civil rights cases filed by pro se inmates to the Post-Screening Alternative Dispute Resolution Project to attempt to resolve cases more quickly and less expensively. Defense counsel from the Office of the California Attorney General has agreed to participate in this pilot project. No defenses or objections are waived by participation.

As set forth in the screening order, the Court has found the plaintiff has stated at least one cognizable civil rights claim. Thus, the Court **STAYS this action for 90 days** to allow the parties to investigate the plaintiff's claims, meet and confer and participate in a settlement conference.

There is a presumption that all post-screening civil rights cases assigned to the undersigned will proceed to settlement conference. However, if after investigating plaintiff's claims and speaking with plaintiff, and after conferring with defense counsel's supervisor, counsel finds in good faith that a settlement conference would be a waste of resources,<sup>1</sup> defense

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<sup>1</sup> By way of guidance, if the defense intends to file an exhaustion motion and believes in good faith that it

1 counsel may move to opt out of this pilot project.

2 **Within 35 days**, the assigned Deputy Attorney General **SHALL** contact the Courtroom  
3 Deputy Clerk at SHall@caed.uscourts.gov, to schedule the settlement conference. If the  
4 settlement conference cannot be set quickly due to the court's calendar, the parties may seek an  
5 extension of the initial 90-day stay. Based upon the foregoing, the Court **ORDERS**:

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

10 2. **Within 30 days from the date of this order**, the parties **SHALL** file the attached  
11 notice, indicating their agreement to proceed to an early settlement conference or whether they  
12 believe settlement is not achievable at this time.

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

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

18 5. The Clerk of the Court **SHALL** serve via email, copies of plaintiff's FIRST  
19 amended complaint (Doc. 9), the screening order (Doc. 10), and this order to Supervising Deputy  
20 Attorney General Christopher Becker and a copy of this order to ADR Coordinator Sujean Park.

21  
22 IT IS SO ORDERED.

23 Dated: **December 6, 2020**

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE

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has a significant chance of success, this would be a likely circumstance where the opt-out provision should be employed.

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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 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