

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

COLEMAN PAYNE,

Plaintiff,

v.

COUNTY OF CALAVERAS, et al.,

Defendants.

No. 1:17-cv-00906-ADA-SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATION TO APPROVE
STIPULATION OF GOOD FAITH
SETTLEMENT BETWEEN CALAVERAS
COUNTY DEFENDANTS AND PLAINTIFF

(ECF Nos. 138 & 139)

On November 10, 2022, Plaintiff Coleman Payne (“Plaintiff”), Defendants County of Calaveras, County of Calaveras Sheriff’s Department, Sergeant John Bailey, Captain Eddie Bailey, and Lieutenant Tim Strum (collectively referred to hereinafter as the “Calaveras County Defendants”) and Defendants California Forensic Medical Group, Doctor Marsha McKay, and Joy Lynch filed a stipulation that Plaintiff’s settlement agreement with the Calaveras County Defendants was made in good faith under section 877.6 of the California Code of Civil Procedure (the “Stipulation”). (ECF No. 138.) Pursuant to 28 U.S.C. § 636(b), the Stipulation was referred to a United States Magistrate Judge for the issuance of findings and recommendations.

///
///

1 On November 22, 2022, the assigned Magistrate Judge issued findings and
2 recommendations recommending that the Stipulation (ECF No. 138) be approved. (ECF No.
3 139.) Those findings and recommendation contained notice that any objections thereto were be
4 filed within fourteen (14) days after service. (*Id.* at 3–4.) To date, no objections have been filed
5 and the time for doing so has now passed.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court conducted a *de*
7 *novo* review of the case. Having carefully reviewed the file, the Court concludes that the findings
8 and recommendation are supported by the record and proper analysis.

9 Accordingly,

- 10 1. The findings and recommendation issued on November 22, 2022, (ECF No. 139)
11 are ADOPTED in full;
- 12 2. The Stipulation (ECF No. 138) is APPROVED; and
- 13 3. The parties are DIRECTED to file a stipulation of voluntary dismissal dismissing
14 Plaintiff's claims against the Calaveras County Defendants according to the terms
15 set forth in the parties' settlement agreement.

16
17
18 IT IS SO ORDERED.

19 Dated: January 9, 2023

20 
21
22
23
24
25
26
27
28
UNITED STATES DISTRICT JUDGE