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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

WAYNE JEROME ROBERTSON,

Plaintiff,

v.

GARCIA, *et al.*,

Defendants.

Case No. 1:17-cv-01022-KES-BAM (PC)

ORDER SETTING SETTLEMENT  
CONFERENCE AND STAYING CASE

Hearing: **Settlement Conference**

Date: **October 31, 2024**

Time: **1:30 p.m.**

Judge: **Jeremy D. Peterson**

Location: **via Zoom Videoconference**

Plaintiff Wayne Jerome Robertson (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The Court has determined that this case will benefit from a settlement conference. Therefore, this case will be referred to Magistrate Judge Jeremy D.

Peterson to conduct a settlement conference on October 31, 2024, at 1:30 p.m. **The settlement**

**conference will be conducted by remote means, with all parties appearing by Zoom**

**videoconference.** The Court will issue the necessary transportation order in due course.

Counsel for Defendant shall contact Courtroom Deputy Nic Cannarozzi at (916) 930-4172 or

[ncannarozzi@caed.uscourts.gov](mailto:ncannarozzi@caed.uscourts.gov) for the video and dial-in information, including any necessary

passcodes, for all parties. Counsel for Defendant is also required to arrange for Plaintiff’s

participation by contacting the Litigation Coordinator at the institution where Plaintiff is housed and

providing the necessary Zoom contact information.

The Court expects that the parties will proceed with the settlement conference in good faith

and attempt to resolve all or part of the case. If any party believes that the settlement conference will

1 not be productive, that party shall so inform the Court as far in advance of the settlement conference as  
2 possible.

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

- 4 1. This action is STAYED to allow the parties an opportunity to settle their dispute. Except as  
5 provided herein or by subsequent court order, no other pleadings or other documents may be  
6 filed in this case during the stay of this action.
- 7 2. This case is set for a **video** settlement conference before Magistrate Judge Jeremy D. Peterson  
8 on **October 31, 2024 at 1:30 p.m.** The settlement conference will be conducted by remote  
9 means, with all parties appearing by Zoom videoconference.
- 10 3. Unless otherwise permitted in advance by the court, the following individuals must attend the  
11 settlement conference: (1) all of the attorney(s) who will try the case; and (2) individuals with  
12 full authority to negotiate and settle the case, on any terms.
- 13 4. No later than one week prior to the settlement conference, each party must submit to Judge  
14 Peterson’s chambers at [jdorders@caed.uscourts.gov](mailto:jdorders@caed.uscourts.gov), or by mail at U.S. District Court, 501 I  
15 Street, Suite 4-200, Sacramento, CA 95814, a confidential settlement conference statement.  
16 These statements should neither be filed on the docket nor served on any other party. The  
17 statements should be marked “CONFIDENTIAL” and should state the date and time of the  
18 conference. The statements should not be lengthy but should include:
  - 19 a. A brief recitation of the facts;
  - 20 b. A discussion of the strengths and weaknesses of the case;
  - 21 c. An itemized estimate of the expected costs for further discovery, pretrial, and trial  
22 matters, in specific dollar terms;
  - 23 d. Your best estimate of the probability that plaintiff will obtain a finding of liability  
24 should this case proceed to trial, in percentage terms;
  - 25 e. Should this case proceed to trial and defendant be found liable, please provide the  
26 following, in specific dollar terms:
    - 27 i. A realistic high-end recovery estimate (i.e., realistic best- or worst-case  
28 scenario);

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- ii. A realistic low-end recovery estimate (i.e., realistic worst- or best-case scenario); and
  - iii. A best estimate of the most likely outcome;
  - f. A history of settlement discussions, including:
    - i. A statement of your expectations for settlement discussions;
    - ii. A listing of any past and present settlement offers from any party (including all terms); and
    - iii. Whether your party would consider making the opening offer or demand, and what that offer might be<sup>1</sup>;
  - g. A list of the individuals who will be participating in the settlement conference on your party's behalf, including each participant's name and, if appropriate, title;
  - h. Plaintiff's anticipated release date;
  - i. An estimate of restitution and fees, including court fees and filing fees, owed by plaintiff; and
  - j. Identification of any related cases or of any other cases that the parties might wish to discuss at this settlement conference.
5. Judge Peterson or another representative from the court will be contacting the parties either by telephone or in person, approximately two weeks prior to the settlement conference, to ascertain each party's expectations of the settlement conference.
6. The Clerk of the Court is directed to serve a copy of this order on the Litigation Office at Mule Creek State Prison via facsimile at (209) 274-5018 or via email.

IT IS SO ORDERED.

Dated: September 26, 2024

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Please note that Judge Peterson will consider this response, among others, in evaluating whether proceeding with a settlement conference appears worthwhile.