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| 8 | UNITED STATES DISTRICT COURT | | |
| 9 | EASTERN DISTRICT OF CALIFORNIA | | |
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| 11 | DAMON NEWQUIST, |) Case No.: 1:17-cv-01150-LJO-SKO (PC) | |
| 12 | Plaintiff, | ORDER REFERRING THE CASE TO POST- SCREENING ADR PROJECT AND STAYING | |
| 13 | v. |) THE CASE FOR 90 DAYS | |
| 14 | SOA, et al., | ý) | |
| 15 | Defendants. | ý)) | |
| 16 | | | |
| 17 | When at least one Defendant has been served or appeared, the Court is referring all post- | | |
| 18 | screening, civil rights cases filed by pro se inmates to the Post-Screening Alternative Dispute | | |
| 19 | Resolution Project to attempt to resolve cases more quickly and less expensively. Defense counsel | | |
| 20 | from the Office of the California Attorney General has agreed to participate in this pilot project. No | | |
| 21 | defenses or objections are waived by participation. | | |
| 22 | As set forth in the screening order, the Court has found Plaintiff has stated at least one | | |
| 23 | cognizable civil rights claim. Thus, the Court STAYS this action for 90 days to allow the parties to | | |
| 24 | investigate Plaintiff's claims, meet and confer and participate in a settlement conference. | | |
| 25 | There is a presumption that all post-screening civil rights cases assigned to the | | |
| 26 | undersigned will proceed to settlement conference. ¹ However, if after investigating Plaintiff's claims | | |
| 27 | | | |
| 28 | $\frac{1}{1}$ If the case does not settle during the stay, Court will set a | deadline for the responsive pleading at the conference. | |

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,² defense counsel may move to
 opt out of this pilot project.

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

Based upon the foregoing, the Court **ORDERS**:

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

2. <u>Within 30 days from the date of this order</u>, the parties SHALL file the attached
 notice, indicating their agreement to proceed to an early settlement conference or whether they believe
 settlement is not achievable at this time. In addition, they SHALL indicate whether they object to the
 undersigned conducting the settlement conference.

3. <u>Within 35 days from the date of this order</u>, the assigned Deputy Attorney General
SHALL contact this court's Courtroom Deputy Clerk at WKusamura@caed.uscourts.gov, to schedule
the settlement conference;

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

5. The Clerk of the Court SHALL serve via email, copies of: a. Plaintiff's First
Amended Complaint (Doc. 21), b. the screening order (Doc. 22), and c. this order to Supervising
Deputy Attorney General Christopher Becker, and copy of this order to ADR Coordinator Sujean
Park;

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The parties are reminded of their obligation to keep the court informed of any changes

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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 | of addresses during the stay and while the action is pending. Changes of address must be reported | | |
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| 2 | promptly in a separate document entitled | "Notice of Change of Address." See L.R. 182(f). | |
| 3 | | | |
| 4 | IT IS SO ORDERED. | | |
| 5 | Detech Moy 12 2010 | s Sheila K. Oberto | |
| 6 | Dated: <u>May 13, 2019</u> | UNITED STATES MAGISTRATE JUDGE | |
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| 5 | UNITED STATES DISTRICT COURT | | |
| 6 | EASTERN DISTRICT OF CALIFORNIA | | |
| 7 | DAMON NEWQUIST, | Case No.: 1:17-cv-01150-LJO-SKO (PC) | |
| 8 | Plaintiff, | NOTICE REGARDING EARLY SETTLEMENT CONFERENCE | |
| 9 | V. | | |
| 10 | SOA, et al., | | |
| 11 | Defendants. | | |
| 12 | | | |
| 13 | As required by the Court's order: | | |
| 14 | | | |
| 15 | 1. The party or counsel for the party | signing below, agrees that there is a good chance that | |
| 16 | an early settlement conference will resolve this action and wishes to engage in an early settlement | | |
| 17 | conference. | | |
| 18 | Yes No | _ | |
| 19 | | | |
| 20 | 2. The party or counsel for the party signing below, agrees the assigned Magistrate Judge | | |
| 21 | may conduct the settlement conference. | | |
| 22 | Yes No | _ | |
| 23 | | | |
| 24 | Dated: | | |
| 25 | | Plaintiff or Counsel for Defendants | |
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