

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

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

13 Once the settlement conference is scheduled, **at least seven days before** the conference, the
14 parties shall submit to the assigned settlement judge a confidential settlement conference statement.
15 The parties' confidential settlement conference statement **SHALL** include:

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

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

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

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

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

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

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

11 United States Courthouse
12 510 19th Street, Suite 200
13 Bakersfield, CA 93301

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

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

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

20 6. The Clerk of the Court **SHALL** serve via email, copies of: a. plaintiff’s complaint
21 (Doc. 1), b. the screening order (Doc. 10), and c. this order to Supervising Deputy Attorney General
22 Christopher Becker, and copy of this order to ADR Coordinator Sujean Park;

23 7. The parties are reminded of their obligation to keep the court informed of any changes
24 of addresses during the stay and while the action is pending. Changes of address must be reported
25 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 the Court issued on September 4, 2018 (Doc. 27)
2 is **VACATED**.

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5 IT IS SO ORDERED.

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Dated: October 29, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CHESTER RAY WISEMAN,
Plaintiff,
v.
J. GONZALEZ, et al.,
Defendants.

Case No.: 1:17-cv-01166-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 3. The plaintiff (Check one):

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

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

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7 Dated:

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Plaintiff or Counsel for Defendants

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