1					
2					
3					
4					
5					
6					
7					
8	UNITED STATE	ES DISTRICT COURT			
9	EASTERN DISTRICT OF CALIFORNIA				
10					
11	CHARLES B. JONES,) Case No.: 1:17-cv-01311-LJO-SKO (PC)			
12	Plaintiff,	ORDER REFERRING THE CASE TO POST- SCREENING ADR PROJECT AND STAYING			
13	v.	THE CASE FOR 90 DAYS			
14	J. GARCIA, et al.,)			
15	Defendants.				
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 <i>pro se</i> 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-scree	eening civil rights cases assigned to the			
26	undersigned will proceed to settlement conference	nce. However, if after investigating Plaintiff's claims			
27					
28	l red				
	¹ If the case does not settle during the stay, Court	art 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.

<u>Within 35 days</u>, 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**:

- 1. This action is STAYED for 90 days to allow the parties an opportunity to settle their dispute before a responsive pleading is filed, or the discovery process begins. No other pleadings or other documents may be filed in this case during the stay. The parties SHALL NOT engage in formal 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 orders (Docs. 13, 18, 19, 22), and c. this order to Supervising Deputy Attorney General Christopher Becker, <u>and</u> copy of this order to ADR Coordinator Sujean Park;
 - 6. The parties are reminded of their obligation to keep the court informed of any changes

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 a	ction is pending. Changes of address must be reported
2	promptly in a separate document entitled "?	Notice of Change of Address." See L.R. 182(f).
3		
4	IT IS SO ORDERED.	
5		
6	Dated: <u>May 7, 2019</u>	<u>Is</u> <i>Sheila K. Oberto</i> UNITED STATES MAGISTRATE JUDGE
7		UNITED STATES MADISTRATE JUDGE
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

1			
2			
3			
4	UNITED STATES DISTRICT COURT		
5			
6	EASTERN DISTRICT OF CALIFORNIA		
7	CHARLES B. JONES, Case No.: 1:17-cv-01311-LJO-SKO (PC)		
8	Plaintiff, NOTICE REGARDING EARLY SETTLEMENT CONFERENCE		
9	V. CONTERENCE		
0	J. GARCIA, et al.,		
1	Defendants.		
12			
13	A a magning d has the Count's and am		
4	As required by the Court's order:		
15	The menty on account for the menty signing below, consecutive them is a good shapes that		
6	1. The party or counsel for the party signing below, agrees that there is a good chance the		
7	an early settlement conference will resolve this action and wishes to engage in an early settlement		
8	conference.		
9	Yes No		
20			
21	2. The party of counsel for the party signing below, agrees the assigned Magistrate Judge		
22	may conduct the settlement conference.		
23	Yes No		
24	Dated:		
25	Plaintiff or Counsel for Defendants		
26			
27			
28			