

1 conference.² However, if after investigating plaintiff's claims, speaking with plaintiff and conferring
2 with defense counsel's supervisor, counsel finds in good faith that a settlement conference is unlikely
3 to be fruitful, would be a waste of resources,³ defense counsel may move to opt out of this pilot
4 project.

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

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

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

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

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

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

23 5. The Clerk of the Court **SHALL** serve via email, copies of: a. plaintiff's second
24 amended complaint (Doc. 14), b. the screening orders (Docs. 15, 16), and c. this order to Supervising
25 Deputy Attorney General Christopher Becker, and copy of this order to ADR Coordinator Sujean
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27 ² If the case does not settle during the stay, Court will set a deadline for the responsive pleading at the conference.

28 ³ 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 Park;

2 6. The parties are reminded of their obligation to keep the court informed of any changes
3 of addresses during the stay and while the action is pending. Changes of address must be reported
4 promptly in a separate document entitled "Notice of Change of Address." *See* L.R. 182(f).

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6 IT IS SO ORDERED.

7 Dated: June 13, 2019

/s/ Jennifer L. Thurston
8 UNITED STATES MAGISTRATE JUDGE

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

DELBERT BARNETT,
Plaintiff,
v.
R. FISHER, Jr, et al.,
Defendants.

Case No.: 1:17-cv-01361-DAD-JTL (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 plaintiff (Check one):

- _____ Would like to participate in the settlement conference in person, OR
- _____ Would like to participate in the settlement conference by video conference.

Dated:

Plaintiff or Counsel for Defendants

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