



1 The court puts the parties on notice that if Plaintiff has any outstanding criminal  
2 restitution obligation, fines and/or penalties, these settlement negotiations shall not be geared  
3 towards what the restitution obligation is, but what the value of the case itself is to each side,  
4 irrespective of any outstanding restitution obligation.

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

6 1. This case is set for a remote settlement conference before Magistrate Judge Barbara A.  
7 McAuliffe on **May 27, 2021 at 9:30 a.m.**

8 2. A representative with full and unlimited authority to negotiate and enter into a binding  
9 settlement shall attend in person.

10 3. Those in attendance must be prepared to discuss the claims, defenses and damages.

11 The failure of any counsel, party or authorized person subject to this order to appear in  
12 person may result in the cancellation of the conference and the imposition of  
13 sanctions. The manner and timing of Plaintiff's transportation to and from the  
14 conference is within the discretion of CDCR.

15 4. Defendants shall provide a confidential settlement statement to the following email  
16 address: [bamorders@caed.uscourts.gov](mailto:bamorders@caed.uscourts.gov). Plaintiff shall mail his confidential  
17 settlement statement to U.S. District Court, 2500 Tulare Street, Fresno, California  
18 93721, "**Attention: Magistrate Judge Barbara A. McAuliffe.**" The envelope shall  
19 be marked "Confidential Settlement Statement." Settlement statements shall arrive no  
20 later than **May 20, 2021**. Parties shall also file a Notice of Submission of Confidential  
21 Settlement Conference Statement (See Local Rule 270(d)). Settlement statements  
22 **should not be filed** with the Clerk of the Court **nor served on any other party**.  
23 Settlement statements shall be clearly marked "confidential" with the date and time of  
24 the settlement conference indicated prominently thereon.

25 5. The confidential settlement statement shall be **no longer than five pages** in length,  
26 typed or neatly printed, and include the following:

27 a. A brief statement of the facts of the case.

- 1 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon  
2 which the claims are founded; a forthright evaluation of the parties' likelihood of  
3 prevailing on the claims and defenses; and a description of the major issues in  
4 dispute.
- 5 c. An estimate of the cost and time to be expended for further discovery, pretrial, and  
6 trial.
- 7 d. The party's position on settlement, including present demands and offers and a  
8 history of past settlement discussions, offers, and demands.
- 9 e. A brief statement of each party's expectations and goals for the settlement  
10 conference, including how much a party is willing to accept and/or willing to pay.
- 11 f. If the parties intend to discuss the joint settlement of any other actions or claims  
12 not in this suit, give a brief description of each action or claim as set forth above,  
13 including case number(s) if applicable.
- 14 6. If a settlement is reached at any time prior to the settlement conference, defense  
15 counsel is to immediately inform the courtroom deputy of Magistrate Judge McAuliffe  
16 and file a Notice of Settlement in accordance with Local Rule 160.
- 17 7. The parties remain obligated to keep the court informed of their current address at all  
18 time during the stay and while the action is pending. Any change of address must be  
19 reported promptly to the court in a separate document captioned for this case and  
20 entitled "Notice of Change of Address." See Local Rule 182(f).
- 21 8. A failure to follow these procedures may result in the imposition of sanctions by the  
22 court.

23 IT IS SO ORDERED.

24 Dated: March 11, 2021

25   
26 UNITED STATES MAGISTRATE JUDGE