

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO SIERRA,
Plaintiff,
v.
M.E. SPEARMAN, et al.,
Defendants.

Case No. 1:17-cv-01691-DAD-EPG
ORDER REFERRING CASE TO SETTLEMENT
CONFERENCE BEFORE A MAGISTRATE
JUDGE
ORDER DIRECTING CLERK TO SERVE
SUPERVISING DEPUTY ATTORNEY
GENERAL CHRISTOPHER BECKER WITH A
COPY OF: 1) PLAINTIFF’S FIRST AMENDED
COMPLAINT (ECF NO. 16.); 2) THE
SCREENING ORDER (ECF NOS. 19 & 25.);
AND 3) THIS ORDER
(ECF NO. 2)

Francisco Sierra (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C § 1983. The Court has screened Plaintiff’s complaint and found it states cognizable claims. At least one defendant has waived service. The Court now directs the parties to participate in a settlement conference before a Magistrate Judge to see if the case can reach a settlement before going further in litigation. Plaintiff will be transported to the settlement conference and defense counsel will appear in person. Neither side is waiving any claims, defenses or objections by participating in this

1 settlement conference.

2 If defense counsel believes this case is not suitable for an early settlement conference, the
3 Court will vacate the conference and proceed directly to litigation. Defense counsel is directed to
4 consider Plaintiff's claim(s) and speak with Plaintiff following this order. If, after investigating
5 Plaintiff's claim(s) and speaking with Plaintiff, and conferring with defense counsel's supervisor,
6 defense counsel in good faith finds that a settlement conference would be unproductive, defense
7 counsel may opt out of this settlement conference by filing a notice with the Court.

8 If defense counsel does not opt out of the settlement conference, the Court will issue
9 separate order(s) setting the settlement conference and detailing the pre-settlement conference
10 procedures in due course.

11 Two weeks after the issuance of the order setting the settlement conference, in order to
12 better inform the parties and have a meaningful conference, the Court is requiring that both
13 parties disclose certain documents to each other about the case, as listed below. These documents
14 are relevant to the case and will most likely be disclosed in discovery shortly if this case goes to
15 litigation.¹

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. Within thirty days from the date of service of this order, the assigned Deputy Attorney
18 General shall either: (1) file a notice that Defendants want to opt out of the settlement
19 conference; or (2) contact ADR Coordinator Sujean Park (spark@caed.uscourts.gov)
20 to schedule the settlement conference.²
- 21 2. If a settlement conference is set, no later than two weeks after the date of service of
22 the order setting the settlement conference, each party shall send the other parties, or
23 their attorneys (if represented), the documents listed below. The parties only need to
24 provide documents related to the claim(s) that the Court allowed past the screening
25

26 ¹ If any party has a legal objection to providing a particular document, that party shall file and serve a notice
27 describing its objection.

28 ² The Court may issue a separate issue setting a scheduling conference and ordering initial disclosures or may already
have done so. If difficulties arise in scheduling the settlement conference prior to the initial scheduling conference,
the parties may file a request for the Court to continue the initial scheduling conference.

1 stage. Additionally, defense counsel does not need to include any documents that
2 defense counsel believes are confidential or subject to the official information
3 privilege at this time. Plaintiff only needs to provide these documents if Plaintiff
4 already has them in his or her possession. Defense counsel shall send copies of the
5 following documents to Plaintiff and Plaintiff shall send copies to counsel for
6 Defendant(s):

- 7 a. Documents regarding exhaustion of Plaintiff's claims, including 602s, Form 22s,
8 and responses from the appeals office;
- 9 b. All non-confidential documents regarding Rules Violation Reports, if any exist,
10 associated with the incident(s) alleged in the complaint, including disciplinary
11 charges and findings;
- 12 c. All of Plaintiff's medical records related to the incident and/or condition at issue in
13 the case, if any exist; and
- 14 d. Chronos for transfer or Administrative Segregation placement related to the
15 incident(s) alleged in the complaint, if any exist.

16 Additionally, the parties may send any other documents related to the case that the parties
17 believe will assist in the settlement conference.

- 18 3. The parties remain obligated to keep the court informed of their current address. Any
19 change of address must be reported promptly to the Court in a separate document
20 captioned for this case and entitled "Notice of Change of Address." *See* L.R. 182(f).

21
22 IT IS SO ORDERED.

23 Dated: December 4, 2019

24 /s/ Eric P. Gray
25 UNITED STATES MAGISTRATE JUDGE
26
27
28