

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**

MICHAEL MADDEN, Successor-in-Interest to Ryan P. Madden, *et al.*,

Plaintiffs,

v.

HICKS, *et al.*,

Defendants.

Case No. 1:18-cv-00255-ADA-BAM (PC)

ORDER GRANTING PARTIES' JOINT REQUEST TO OPT-OUT OF POST-SCREENING ADR (ECF No. 58)

ORDER LIFTING STAY OF PROCEEDINGS

ORDER VACATING JUNE 12, 2023 SETTLEMENT CONFERENCE (ECF No. 57)

ORDER DIRECTING CLERK OF COURT TO ISSUE DISCOVERY AND SCHEDULING ORDER AND CONSENT/DECLINE FORM

Plaintiffs Michael Madden and Kathleen “Kathy” Madden (“Plaintiffs”), as Successors-in-Interest to Ryan P. Madden, are proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendant Hicks for excessive force and assault and battery claims, and against Defendants Silva and Hicks for California Bane Act and retaliation claims.

On April 7, 2023, the Court identified this case as an appropriate case for the post-screening ADR (Alternative Dispute Resolution) project, and stayed the action to allow the parties an opportunity to settle their dispute before the discovery process begins. (ECF No. 57.) The Court’s order granted the parties time to investigate and confer and determine whether to opt

1 out of the post-screening ADR project.

2 On May 3, 2023, the parties filed a joint notice of opt out and request to vacate settlement  
3 conference. (ECF No. 58.) The parties state that after meeting and conferring, they believe that a  
4 settlement conference at this time would be a waste of resources and the Court's time, and jointly  
5 request that the Court vacate the settlement conference. (*Id.*) Therefore, the stay is lifted, and the  
6 June 12, 2023, settlement conference is vacated. This case is now ready to proceed.

7 If the parties wish to set a settlement conference with the Court at a later date, they should  
8 so inform the Court. However, the parties are also reminded that they are not precluded from  
9 negotiating a settlement without judicial assistance.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The parties' joint request to opt out of post-screening early dispute resolution,  
12 (ECF No. 58), is GRANTED;
- 13 2. The stay of this action, (ECF No. 57), is LIFTED;
- 14 3. The June 12, 2023 settlement conference is VACATED;
- 15 4. The Clerk of the Court is DIRECTED to issue a discovery and scheduling order  
16 and a consent/decline form to the parties; and
- 17 5. The parties may proceed with discovery pursuant to the discovery and scheduling  
18 order to be issued by separate order.

19  
20 IT IS SO ORDERED.

21 Dated: May 3, 2023

22 /s/ Barbara A. McAuliffe  
23 UNITED STATES MAGISTRATE JUDGE  
24  
25  
26  
27  
28