

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

RICHARD SCOTT KINDRED,  
Plaintiff,  
v.  
CLIFF ALLENBY, et al.,  
Defendants.

Case No. 1:18-cv-00554-DAD-EPG (PC)

**ORDER SETTING TELEPHONIC PRE-  
SETTLEMENT CONFERENCE AND  
SETTLEMENT CONFERENCE  
PROCEDURES**

This matter is set for a settlement conference before the undersigned on May 31, 2022, at 10:00 a.m. (Doc. 97.) The Court herein sets a telephonic pre-settlement conference and conference-related procedures.

Accordingly, the Court ORDERS:

1. The Court SETS a telephonic pre-settlement conference for **May 25, 2022, at 1:30 p.m.** before the undersigned to discuss whether the settlement conference will be productive. Defense counsel shall arrange for Plaintiff's participation. The parties shall dial 1-888-557-8511 and enter access code 6208204# for the telephonic conference.
2. The settlement conference on May 31, 2022, will be conducted over Zoom.<sup>1</sup> Defense counsel shall arrange for Plaintiff's participation. Prior to the conference, defense

---

<sup>1</sup> The Court will notify the parties in advance if the settlement conference will proceed by other means.

1 counsel shall contact the undersigned's courtroom deputy at  
2 wkusamura@caed.uscourts.gov for the Zoom videoconference connection  
3 information. The Court will issue a writ of *habeas corpus ad testificandum* to allow  
4 for Plaintiff's participation, as appropriate.

- 5 3. Each party or a representative with full authority to negotiate and enter into a binding  
6 settlement agreement shall participate in the conference. The failure of any counsel,  
7 party, or authorized person subject to this order to participate in the conference may  
8 result in the imposition of sanctions.
- 9 4. Consideration of settlement is a serious matter that requires thorough preparation prior  
10 to the settlement conference. Participants in the conference must be prepared to  
11 discuss the claims, defenses, and damages.
- 12 5. The parties shall engage in informal settlement negotiations as follows:

13 No later than **April 19, 2022**, Plaintiff shall submit to Defendants, by mail, a written  
14 itemization of damages and a meaningful settlement demand, including a brief  
15 explanation of why such settlement is appropriate, which shall not exceed 5 pages.

16 No later than **May 3, 2022**, Defendants shall respond, by mail or telephone, with an  
17 acceptance of Plaintiff's offer or a meaningful counteroffer, including a brief  
18 explanation of why such settlement is appropriate.

19 If settlement is achieved, the parties shall file a Notice of Settlement as required by  
20 Local Rule 160.

- 21
- 22 6. If settlement is not achieved informally, the parties shall submit confidential  
23 settlement conference statements no later than **May 17, 2022**. Defendants shall email  
24 their statement to skoorders@caed.uscourts.gov. Plaintiff shall mail his statement,  
25 clearly captioned "Confidential Settlement Conference Statement," to United States  
26 District Court, Attn: Magistrate Judge Sheila K. Oberto, 2500 Tulare Street, Room  
27 1501, Fresno, CA 93721.

28 Once the parties have submitted their statements, they shall file a "Notice of

1 Submission of Confidential Settlement Conference Statement” with the court. The  
2 confidential settlement conference statements themselves **should not be filed** with the  
3 court **nor served** on the opposing party.

4 7. The confidential settlement conference statements should be no longer than 5 pages in  
5 length and include:

- 6 a. A brief summary of the facts of the case;
- 7 b. A brief summary of the claims and defenses of the case, i.e., the statutory,  
8 constitutional, or other grounds upon which the claims are founded;
- 9 c. A forthright discussion of the strengths and weaknesses of the case and an  
10 evaluation of the likelihood of prevailing on the claims or defenses, from the  
11 party’s perspective, and a description of the major issues in dispute;
- 12 d. An estimate of the party’s expected costs and time to be expended for further  
13 discovery, pretrial matters, and trial;
- 14 e. A summary of past settlement discussions, including the informal settlement  
15 negotiations required above; a statement of the party’s current position on  
16 settlement, including the amount the party would offer and accept to settle (in  
17 specific dollar amounts); and a statement of the party’s expectations for settlement  
18 discussions;
- 19 f. A list of the individuals who will be attending the conference on the party’s behalf,  
20 including names and, if appropriate, titles; and,
- 21 g. If a party intends to discuss the settlement of any other actions or claims not raised  
22 in this suit, a brief description of each action or claim, including case number(s), as  
23 applicable.
- 24

25 IT IS SO ORDERED.

26 Dated: December 1, 2021

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE