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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NATHANIEL MARCUS GANN,
Plaintiff,
v.
R. GARCIA, et al.,
Defendant.

No. 1:19-cv-00439-DAD-BAK (SAB) (PC)

ORDER SETTLING SETTLEMENT
CONFERENCE

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. The court has determined that this case will benefit from a settlement conference. Therefore, this case will be referred to Magistrate Judge Jeremy D. Peterson to conduct a settlement conference on October 6, 2022 at 1:30 p.m. The settlement conference will be conducted by remote means, with all parties appearing by Zoom video conference. The court will issue the necessary transportation order in due course.

Counsel for the defendants is directed to contact the court via ncannarozzi@caed.uscourts.gov one week prior to the scheduled settlement conference to report on the institution's ability, in light of any COVID 19 restrictions, to produce the inmate for a remote appearance.

The court expects that the parties will proceed with the settlement conference in good faith and attempt to resolve all or part of the case. If any party believes that the settlement

1 conference will not be productive, that party shall so inform the court as far in advance of the
2 settlement conference as possible.

3 Accordingly, it is hereby ordered that:

- 4 1. This case is set for a settlement conference before Magistrate Judge Jeremy D.
5 Peterson on October 6, 2022 at 1:30 p.m. The settlement conference will be
6 conducted by remote means, with all parties appearing by Zoom video conference.
- 7 2. Unless otherwise permitted in advance by the court, the following individuals must
8 attend the settlement conference: (1) all of the attorney(s) who will try the case;
9 and (2) individuals with full authority to negotiate and settle the case, on any
10 terms.
- 11 3. No later than one week prior to the settlement conference, each party must submit
12 to Judge Peterson's chambers at jdorders@caed.uscourts.gov, or by mail at U.S.
13 District Court, 501 I Street, Sacramento, CA 95814, a confidential settlement
14 conference statement. These statements should neither be filed on the docket nor
15 served on any other party. The statements should be marked "CONFIDENTIAL"
16 and should state the date and time of the conference. The statements should not be
17 lengthy but should include:
 - 18 a. A brief recitation of the facts;
 - 19 b. A discussion of the strengths and weaknesses of the case;
 - 20 c. An itemized estimate of the expected costs for further discovery, pretrial,
21 and trial matters, in specific dollar terms;
 - 22 d. Your best estimate of the probability that plaintiff will obtain a finding of
23 liability should this case proceed to trial, in percentage terms;
 - 24 e. Should this case proceed to trial and defendant be found liable, please
25 provide the following, in specific dollar terms:
 - 26 i. A realistic high-end recovery estimate (i.e., realistic best- or worst-
27 case scenario);

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- 1 ii. A realistic low-end recovery estimate (i.e., realistic worst- or best-
2 case scenario); and
3 iii. A best estimate of the most likely outcome;
- 4 f. A history of settlement discussions, including:
5 i. A statement of your expectations for settlement discussions;
6 ii. A listing of any past and present settlement offers from any party
7 (including all terms); and
8 iii. Whether your party would consider making the opening offer or
9 demand, and what that offer might be¹;
- 10 g. A list of the individuals who will be participating in the settlement
11 conference on your party's behalf, including each participant's name and,
12 if appropriate, title;
- 13 h. Plaintiff's anticipated release date;
- 14 i. An estimate of restitution and fees, including court fees and filing fees,
15 owed by plaintiff; and
- 16 j. Identification of any related cases or of any other cases that the parties
17 might wish to discuss at this settlement conference.
- 18 4. Judge Peterson or another representative from the court will be contacting the
19 parties either by telephone or in person, approximately two weeks prior to the
20 settlement conference, to ascertain each party's expectations of the settlement
21 conference.

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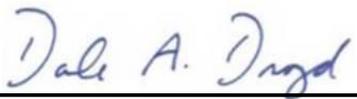
27 ¹ Please note that Judge Peterson will consider this response, among others, in evaluating whether
28 proceeding with a settlement conference appears worthwhile.

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5. The Clerk of the Court is directed to serve a copy of this order on the Litigation Office at the California Institution for Men via facsimile at (909) 606-7093 or via email.

IT IS SO ORDERED.

Dated: July 29, 2022



UNITED STATES DISTRICT JUDGE