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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MELVIN RAY BRUMMETT JR.,  
Plaintiff,  
v.  
E. AGUIRRE, G. BEARD, P. GARCIA, D.  
LOPEZ, NKIRUKA NDU, and STUART  
SHERMAN,  
Defendants.

Case No. 1:20-cv-00622-HBK (PC)

ORDER SETTING SETTLEMENT  
CONFERENCE

Hearing: **Settlement Conference**  
Date: **February 3, 2025**  
Time: **8:30 a.m.**  
Location: **CSP-COR**

Plaintiff Melvin Ray Brummett Jr. is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. **Upon further review, the Court has determined that this case will benefit from an in-person settlement conference.**<sup>1</sup> Therefore, this case will be referred to a Magistrate Judge to conduct an in-person **settlement conference at the California State Prison, Corcoran (CSP-COR), 4001 King Avenue, Corcoran, CA 93212 on February 3, 2025 at 8:30 a.m.** The Court will issue any necessary transportation order in due course. The parties shall each submit a confidential settlement conference statement, as described below, to arrive at least seven days prior (one week) to the conference.

<sup>1</sup> The Court previously declined to set this case for a settlement conference. (See Doc. No. 55).

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

5 Defendants shall be prepared to negotiate the merits of the case and offer more than a waiver  
6 of costs as a reasonable compromise to settle the case. The parties are also informed that an offer of  
7 dismissal in exchange for a waiver of costs is not considered good faith settlement negotiations.

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

- 12 1. This case is set for an in-person settlement conference before a federal Magistrate Judge on  
13 **February 3, 2025 at 8:30 a.m. at CSP-COR.**
- 14 2. A representative with full and unlimited authority to negotiate and enter into a binding  
15 settlement shall attend in person.
- 16 3. Those in attendance must be prepared to discuss the claims, defenses and damages. The  
17 failure of any counsel, party or authorized person subject to this order to appear in person  
18 may result in the cancellation of the conference and the imposition of sanctions. The  
19 manner and timing of Plaintiff's transportation to and from the conference is within the  
20 discretion of CDCR.
- 21 4. Defendants shall provide a confidential settlement statement to the following email  
22 address: **settleconf@caed.uscourts.gov**. Plaintiff shall mail his confidential settlement  
23 statement to U.S. District Court, 2500 Tulare Street, Fresno, California, 93721,  
24 **“Attention: Institution Settlement Judge for February 3, 2025.”** The envelope shall be  
25 marked “Confidential Settlement Statement”. Settlement statements shall arrive no later  
26 than January 27, 2025. Parties shall also file a Notice of Submission of Confidential  
27 Settlement Statement (See Local Rule 270(d)). Settlement statements **should not be filed**  
28 with the Clerk of the Court **nor served on any other party**. Settlement statements shall be

1 clearly marked “confidential” with the date and time of the settlement conference indicated  
2 prominently thereon.

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

- 5 a. A brief statement of the facts of the case.
- 6 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon  
7 which the claims are founded; a forthright evaluation of the parties’ likelihood of  
8 prevailing on the claims and defenses; and a description of the major issues in  
9 dispute.
- 10 c. An estimate of the cost and time to be expended for further discovery, pretrial, and  
11 trial.
- 12 d. The party’s position on settlement, including present demands and offers and a  
13 history of past settlement discussions, offers, and demands.
- 14 e. A brief statement of each party’s expectations and goals for the settlement  
15 conference, including how much a party is willing to accept and/or willing to pay.
- 16 f. If the parties intend to discuss the joint settlement of any other actions or claims not  
17 in this suit, give a brief description of each action or claim as set forth above,  
18 including case number(s) if applicable.

19 6. If a settlement is reached at any time prior to the settlement conference, defense counsel is  
20 directed to file a Notice of Settlement in accordance with Local Rule 160.

21 7. The parties remain obligated to keep the court informed of their current address at all times  
22 while the action is pending. Any change of address must be reported promptly to the court  
23 in a separate document captioned for this case and entitled “Notice of Change of Address.”  
24 See Local Rule 182(f).

25 8. **A failure to follow these procedures may result in the imposition of sanctions by the**  
26 **court.**

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9. The Clerk of the Court is directed to serve a courtesy copy of this order on the Litigation Office at California State Prison, Corcoran, via facsimile at (559) 992-7372 or via email.

Dated: January 3, 2025

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE