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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ALCLIFF MORGAN DALEY,  
  
                                Plaintiff,  
  
                  v.  
  
PELAYO, et al.,  
  
                                Defendants.

Case No.: 1:20-cv-01129-JLT-GSA

**ORDER SETTING SETTLEMENT  
CONFERENCE AND SETTLEMENT  
CONFERENCE PROCEDURES**

**Settlement Conference: 2/25/2025 at 10:30  
a.m. via Zoom Videoconference before  
Magistrate Judge Sheila K. Oberto**

Plaintiff Alcliff Morgan Daley is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

The Court finds it appropriate to set the matter for a settlement conference given the procedural posture of this action.

Accordingly, it is hereby **ORDERED** that:

1. The Court SETS a telephonic pre-settlement conference for **February 18, 2025, at 4:00 p.m.** Defense counsel shall contact Magistrate Judge Oberto’s courtroom deputy at [wkusamura@caed.uscourts.gov](mailto:wkusamura@caed.uscourts.gov) for the phone number and access code and arrange for Plaintiff’s participation.
2. A settlement conference is scheduled to occur on **February 25, 2025, at 10:30 a.m.**, before the undersigned, via Zoom videoconference. Defense counsel shall arrange for

1 Plaintiff's participation. Prior to the conference, defense counsel shall contact the  
2 undersigned's courtroom deputy at [wkusamura@caed.uscourts.gov](mailto:wkusamura@caed.uscourts.gov) for the Zoom  
3 videoconference connection information. The Court will issue a writ of *habeas corpus*  
4 *ad testificandum* to allow 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 **January 14, 2025**, Plaintiff shall submit to Defendants, by mail, a  
14 written 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 **January 24, 2025**, Defendants shall respond, by mail or telephone, with  
17 an acceptance of Plaintiff's offer or a meaningful counteroffer, including a brief  
18 explanation of why such settlement is appropriate. If settlement is achieved, the parties  
19 shall file a Notice of Settlement as required by Local Rule 160.
- 20 6. If settlement is not achieved informally, the parties shall submit confidential  
21 settlement conference statements no later than **February 11, 2025**. Defendants shall  
22 email their statement to [skoorders@caed.uscourts.gov](mailto:skoorders@caed.uscourts.gov). Plaintiff shall mail his  
23 statement, clearly captioned "Confidential Settlement Conference Statement," to  
24 United States District Court, Attn: Magistrate Judge Sheila K. Oberto, 2500 Tulare  
25 Street, Room 1501, Fresno, CA 93721.  
26 Once the parties have submitted their statements, they shall file a "Notice of  
27 Submission of Confidential Settlement Conference Statement" with the court. The  
28 confidential settlement conference statements themselves **should not be filed** with the

1 court **not served** on the opposing party.

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

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

25 IT IS SO ORDERED.

26 Dated: October 23, 2024

27 Is/ Sheila K. Oberto  
28 UNITED STATES MAGISTRATE JUDGE