

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

IVAN GOODLOW,
Plaintiff,
v.
GOMEZ,
Defendant.

Case No. 1:23-cv-00662-BAM (PC)

**ORDER STAYING CASE AND SETTING
SETTLEMENT CONFERENCE**

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

Plaintiff Ivan Goodlow is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 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 a Magistrate Judge to conduct a **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 (one week) prior to the conference.

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

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

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

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

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

6. The confidential settlement statement shall be **no longer than five pages** in length, typed or neatly printed, and include the following:
 - a. A brief statement of the facts of the case.
 - b. A brief statement of the claims and defenses, i.e., the statutory, constitutional, or other grounds upon which the claims are founded.
 - c. A forthright discussion of the strengths and weaknesses of the case and an evaluation of the likelihood of prevailing on the claims and defenses, from the party's perspective, and a description of the major issues in dispute.
 - d. An estimate of the party's expected costs and time to be expended for further discovery, pretrial matters, and trial.
 - e. A summary of past settlement discussions, a statement of the party's current position on settlement, **including the amount the party would offer and accept to settle** (in specific dollar amounts); and a statement of the party's expectations for settlement discussions.
 - f. An estimate of any restitution allocated to plaintiff, or other financial obligation assigned to plaintiff, that would affect the parties' settlement discussions.
 - g. A list of the individuals who will be attending the conference on the party's behalf, including names and, if appropriate, titles.
 - h. If the parties intend to discuss the joint settlement of any other actions or claims not in this suit, give a brief description of each action or claim as set forth above, including case number(s) if applicable.
7. If a settlement is reached at any time prior to the settlement conference, defense counsel is directed to file a Notice of Settlement in accordance with Local Rule 160.
8. The parties remain obligated to keep the court informed of their current address at all times while the action is pending. Any change of address must be reported promptly to the court in a separate document captioned for this case and entitled "Notice of Change of Address." See Local Rule 182(f).

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

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

10. 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.

IT IS SO ORDERED.

Dated: January 3, 2025

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE