

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 GERALD SPENCE,

12 Plaintiff,

13 v.

14 STAMBAUGH, et al.,

15 Defendants.
16

No. 2:14-cv-1170 WBS AC P

**ORDER REFERRING CASE TO POST-
SCREENING ADR PROJECT AND
STAYING CASE FOR 120 DAYS**

17 Plaintiff Gerald Spence is a state prisoner currently incarcerated at North Kern State
18 Prison under the authority of the California Department of Corrections and Rehabilitation
19 (CDCR). Plaintiff proceeds pro se and in forma pauperis with this civil rights case challenging
20 his treatment by numerous defendants when he was booked into the Sacramento County Jail on
21 November 11, 2012. Three defendants have answered the complaint; five additional defendants
22 recently filed waivers of service.

23 The undersigned is referring all post-screening civil rights cases filed by pro se state
24 inmates to the Post-Screening ADR (Alternative Dispute Resolution) Project in an effort to
25 resolve such cases more expeditiously and less expensively. No defenses or objections shall be
26 waived by the participation of the parties.

27 **Therefore, the court will stay this action for a period of 120 days** to allow the parties
28 an opportunity to investigate plaintiff's claims, meet and confer, and then participate in a

1 settlement conference.¹ There is a strong presumption that all post-screening prisoner civil rights
2 cases assigned to the undersigned will proceed to settlement conference, particularly older cases
3 challenging a single incident, such as the instant case. However, if after investigating plaintiff's
4 claims, speaking with plaintiff, and conferring with one another and with appropriate supervisors,
5 if counsel for a defendant finds in good faith that a settlement conference would be a waste of
6 resources, counsel may move to opt out of this ADR project.

7 **Plaintiff shall indicate his preference to appear at the settlement conference in**
8 **person or by videoconference, if available, by filing the attached notice within thirty (30)**
9 **days.** Failure to timely file such notice will result in the issuance of a writ for plaintiff's
10 appearance in person. Once plaintiff has returned the notice or the time for doing so has passed,
11 the court will proceed to schedule the settlement conference.

12 **Once the settlement conference is scheduled, at least seven (7) days prior to the**
13 **conference, the parties shall submit to the settlement judge their confidential settlement**
14 **conference statements.** The parties' confidential settlement conference statements shall include
15 the following: (a) names and locations of the parties; (b) a short statement of the facts and alleged
16 damages; (c) a short procedural history; (d) an analysis of the risk of liability, including a
17 discussion of the efforts made to investigate the allegations; and (e) a discussion of the efforts that
18 have been made to settle the case. Defendants shall e-mail their settlement conference statement
19 to the settlement judge's e-mail box for proposed orders, available on the court's website.
20 Plaintiff shall place his settlement conference statement in the United States mail addressed to the
21 settlement conference judge, United States District Court, 501 I Street, Sacramento, CA 95814.
22 **Plaintiff shall mail his settlement conference statement so that it is received by the court at**
23 **least seven (7) days before the settlement conference.**

24 ///

25 ///

26 ///

27 ¹ If this case does not settle, the court will set a date for the filing of responsive pleadings by the
28 newly added defendants.

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

2 **1. This action is stayed for 120 days to allow the parties an opportunity to settle their**
3 **dispute before the discovery process begins.** Except as provided herein or by subsequent court
4 order, no other pleadings or other documents may be filed in this case during the stay of this
5 action. The parties shall not engage in formal discovery, but the parties may elect to engage in
6 informal discovery.

7 **2. Within thirty (30) days from the date of this order, plaintiff shall file the attached**
8 **notice informing the court how he wishes to appear at the settlement conference.** If plaintiff
9 does not file the notice, the court will issue a writ for plaintiff to appear in person.

10 **3. At least seven (7) days prior to the settlement conference, each party shall submit**
11 **a confidential settlement conference statement, as described above, to the settlement judge.**
12 Defendant shall e-mail the settlement conference statement to the settlement judge's proposed
13 orders e-mail address. Plaintiff shall place his settlement conference statement in the U.S. mail
14 addressed to the settlement judge, United States District Court, 501 I Street, Sacramento, CA
15 95814. **Plaintiff shall mail his settlement conference statement so that it is received by the**
16 **court at least seven (7) days before the settlement conference.**

17 4. If a settlement is reached at any point during the stay of this action, the parties shall file
18 a Notice of Settlement in accordance with Local Rule 160.

19 5. The Clerk of the Court shall serve copies of the instant order on the following:
20 (1) Sean D. Richmond, Senior Deputy Senior Attorney, Sacramento City Attorney's Office,
21 (2) Carl L. Fessenden, Porter Scott Law Firm, (3) Megan E. Nevin, Porter Scott Law Firm, and
22 (4) for informational purposes, California Supervising Deputy Attorney General Christopher
23 Becker.

24 6. The parties remain obligated to keep the court informed of their current addresses at all
25 times during the stay and while the action is pending. Any change of address must be reported

26 ////

27 ////

28 ////

1 promptly to the court in a separate document captioned for this case and entitled "Notice of
2 Change of Address." See L.R. 182(f).

3 DATED: June 6, 2019

4 
5 ALLISON CLAIRE
6 UNITED STATES MAGISTRATE JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERALD SPENCE,

 Plaintiff,

 v.

STAMBAUGH, et al.,

 Defendants.

No. 2:14-cv-1170 WBS AC P

NOTICE RE: PLAINTIFF’S APPEARANCE
AT SETTLEMENT CONFERENCE (POST-
SCREENING ADR PROJECT)

As required by court order, the plaintiff notifies the court of the following election:

_____ Plaintiff would like to participate in the settlement conference *in person*.

OR

_____ Plaintiff would like to participate in the settlement conference *by video conference, if available*.

Date

Plaintiff