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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOSE R. ZAIZA,  
  
                                  Plaintiff,  
  
          v.  
  
D. TAMPLEN, *et al.*,  
  
                                  Defendants.

Case No. 2:15-cv-00447-KJM-JDP (PC)  
  
ORDER SETTING SETTLEMENT  
CONFERENCE AND STAYING CASE FOR  
60 DAYS

Plaintiff is a state prisoner proceeding without counsel in an action brought 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 Stanley A. Boone to conduct a settlement conference on March 19, 2021 at 9:30 a.m. In light of the coronavirus (COVID-19) outbreak and evolving coronavirus protocols, the parties shall appear **remotely** via the Zoom videoconferencing application. The court stays this action for a period of 60 days to allow the parties to meet and confer, and then participate in the settlement conference.

Counsel for Defendants shall contact Courtroom Deputy, Mamie Hernandez, at (559) 499-5672 or mherandez@caed.uscourts.gov for the video and dial-in information, including any necessary passcodes. Plaintiff’s attendance will be secured through the litigation coordinator at

1  
2 plaintiff's institution.

3 In issuing this order, there is a presumption that this case will proceed to a settlement  
4 conference.<sup>1</sup> However, if defense counsel in good faith finds that a settlement conference would  
5 be a waste of resources, defense counsel may move to opt out of this early settlement conference.  
6 A written notice to opt out must be filed within 14 days of the date of the issuance of this order.

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

- 8 1. This action is STAYED for 60 days to allow the parties an opportunity to settle their  
9 dispute. Except as provided herein or by subsequent court order, no other pleadings or  
10 other documents may be filed in this case during the stay of this action.
- 11 2. This case is set for a remote settlement conference before Magistrate Judge Stanley A.  
12 Boone on March 19, 2021, at 9:30 a.m.
- 13 3. A representative with full and unlimited authority to negotiate and enter into a binding  
14 settlement shall attend via Zoom.
- 15 4. Those in attendance must be prepared to discuss the claims, defenses and damages.  
16 The failure of any counsel, party or authorized person subject to this order to appear  
17 via Zoom may result in the cancellation of the conference and the imposition of  
18 sanctions.
- 19 5. Defendants shall provide a confidential settlement statement to the following email  
20 address: saborders@caed.uscourts.gov. Plaintiff shall mail his confidential settlement  
21 statement to U.S. District Court, 2500 Tulare Street, Fresno, California, 93721,  
22 "Attention: Magistrate Judge Stanley A. Boone." The envelope shall be marked  
23 "Confidential Settlement Statement". Settlement statements shall arrive no later than  
24 March 12, 2021. Parties shall also file a Notice of Submission of Confidential  
25 Settlement Statement (*See* Local Rule 270(d)). Settlement statements should not be  
26 filed with the Clerk of the Court nor served on any other party. Settlement statements

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28 <sup>1</sup> This case was before the court for an evidentiary hearing on February 4, 2021. ECF No. 76. The court defers further consideration of the issues addressed at the evidentiary hearing until the settlement conference is completed or vacated.

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

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., statutory or other grounds upon which the claims are founded; a forthright evaluation of the parties’ likelihood of prevailing on the claims and defenses; and a description of the major issues in dispute.
  - c. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
  - d. The party’s position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands.
  - e. A brief statement of each party’s expectations and goals for the settlement conference, including how much a party is willing to accept and/or willing to pay.
  - f. 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 point during the stay of this action, the parties shall file a Notice of Settlement in accordance with Local Rule 160.
8. If the defense counsel wishes to “opt- out” of this settlement for the reasons stated above, counsel must do so within fourteen (14) days of this order by filing a “Notice of Opt-Out and Request to Vacate Settlement Conference.”
9. The parties remain obligated to keep the court informed of their current address at all times during the stay and 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).
10. A failure to follow these procedures may result in the imposition of sanctions by the

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court.

IT IS SO ORDERED.

Dated: February 4, 2021

  
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JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE