



1           There is a presumption that all post-screening prisoner civil rights cases assigned to the  
2 undersigned will proceed to settlement conference.<sup>1</sup> However, if after investigating plaintiff's  
3 claims and speaking with plaintiff, and after conferring with defense counsel's supervisor,  
4 defense counsel in good faith finds that a settlement conference would be a waste of resources,  
5 defense counsel may move to opt out of this pilot project. **A motion to opt out must be filed**  
6 **within sixty (60) days of the date of this order.**

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

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

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

25           1. This action is stayed for 120 days to allow the parties an opportunity to settle their  
26 dispute before the discovery process begins. Except as provided herein or by subsequent court  
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28 <sup>1</sup> If the case does not settle, the court will set a date for the filing of a responsive pleading.

1 order, no other pleadings or other documents may be filed in this case during the stay of this  
2 action. The parties shall not engage in formal discovery, but the parties may elect to engage in  
3 informal discovery.

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

7 3. Within sixty (60) days from the date of this order, defendants shall file any motion to  
8 opt out of the Post-Screening ADR Project.

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

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

18 6. The parties remain obligated to keep the court informed of their current addresses at  
19 all times during the stay and while the action is pending. Any change of address must be reported  
20 promptly to the court in a separate document captioned for this case and entitled "Notice of  
21 Change of Address." See L.R. 182(f).

22 DATED: September 27, 2019

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24 ALLISON CLAIRE  
25 UNITED STATES MAGISTRATE JUDGE  
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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK LESPERANCE,  
Plaintiff,  
v.  
T. MANNING, et al.,  
Defendants.

No. 2:16-cv-0764 JAM 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