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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GRADY HARRIS,

 Plaintiff,

 v.

JEFF MACOMBER, et al.,

 Defendants.

No. 2:16-cv-0830 TLN DB P

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action seeking relief 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 Jeremy D. Peterson to conduct a settlement conference on February 29, 2024 at 1:30 p.m. The settlement conference will be conducted by remote means, with all parties appearing by Zoom video conference. The Court will issue the necessary transportation order in due course.

The Court expects that the parties will proceed with the settlement conference in good faith and attempt to resolve all or part of the case. If any party believes that the settlement conference will not be productive, that party shall so inform the court as far in advance of the settlement conference as possible.

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

2 1. This case is stayed until thirty days following the settlement conference.

3 2. The case is set for a settlement conference before Magistrate Judge Jeremy D. Peterson
4 on February 29, 2024, at 1:30 p.m. The settlement conference will be conducted by remote
5 means, with all parties appearing by Zoom video conference.

6 3. Unless otherwise permitted in advance by the court, the following individuals must
7 attend the settlement conference: (1) all of the attorney(s) who will try the case; and (2)
8 individuals with full authority to negotiate and settle the case, on any terms.

9 4. No later than one week prior to the settlement conference, each party must submit to
10 Judge Peterson's chambers at jdorders@caed.uscourts.gov, or by mail at U.S. District Court,
11 501 I Street, Sacramento, CA 95814, a confidential settlement conference statement. These
12 statements should neither be filed on the docket nor served on any other party. The statements
13 should be marked "CONFIDENTIAL" and should state the date and time of the conference. The
14 statements should not be lengthy but should include:

- 15 a. A brief recitation of the facts;
- 16 b. A discussion of the strengths and weaknesses of the case;
- 17 c. An itemized estimate of the expected costs for further discovery, pretrial, and trial
18 matters, in specific dollar terms;
- 19 d. Your best estimate of the probability that plaintiff will obtain a finding of liability
20 should this case proceed to trial, in percentage terms;
- 21 e. Should this case proceed to trial and defendant be found liable, please provide the
22 following, in specific dollar terms:
 - 23 i. A realistic high-end recovery estimate (i.e., realistic best- or worst-
24 case scenario);
 - 25 ii. A realistic low-end recovery estimate (i.e., realistic worst- or best-
26 case scenario); and
 - 27 iii. A best estimate of the most likely outcome;

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- 1 f. A history of settlement discussions, including:
- 2 i. A statement of your expectations for settlement discussions;
- 3 ii. A listing of any past and present settlement offers from any party
- 4 (including all terms); and
- 5 iii. Whether your party would consider making the opening offer or
- 6 demand, and what that offer might be¹;
- 7 g. A list of the individuals who will be participating in the settlement conference on
- 8 your party's behalf, including each participant's name and, if appropriate, title:
- 9 h. Plaintiff's anticipated release date;
- 10 i. An estimate of restitution and fees, including court fees and filing fees, owed by
- 11 plaintiff; and
- 12 j. Identification of any related cases or of any other cases that the parties might wish
- 13 to discuss at this settlement conference.

14 5. Judge Peterson or another representative from the court will be contacting the parties

15 either by telephone or in person, approximately two weeks prior to the settlement

16 conference, to ascertain each party's expectations of the settlement conference.

17 6. The Clerk of the Court is directed to serve a copy of the this order on the Litigation

18 Office at High Desert State Prison via facsimile at (530) 251-5031 or via email.

19 Dated: December 8, 2023

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21 _____

22 DEBORAH BARNES

23 UNITED STATES MAGISTRATE JUDGE

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28 ¹ Please note that Judge Peterson will consider this response, among others, in evaluating whether proceeding with a settlement conference appears worthwhile.