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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ROBERT COLEMAN,

12 Plaintiff,

13 v.

14 T. VIRGA, et al.,

15 Defendants.
16

No. 2:17-cv-0851 KJN P

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

17 Plaintiff is a state prisoner, proceeding without counsel. The U.S. Marshal has
18 accomplished service of process on defendants Lynch¹, Haring, Hinrich, Virga, Walcott and
19 Wright.²

20 The undersigned is referring all post-screening civil rights cases filed by pro se inmates to
21 the Post-Screening ADR (Alternative Dispute Resolution) Project in an effort to resolve such
22 cases more expeditiously and less expensively. Defense counsel from the Office of the California

23
24 ¹ The returned waiver for defendant Lynch was filed separately from the returned waivers for
25 defendants Haring, Hinrich, Virga, Walcott and Wright. (ECF Nos. 25, 27.) Defendant Lynch,
26 himself, signed the returned waiver. Defendants Haring, Hinrich, Virga, Walcott and Wright are
27 represented by the Office of the Attorney General. Before responding to the instant order, the
28 Office of the Attorney General shall determine whether defendant Lynch is represented by
separate counsel and inform the court regarding this issue.

² Process served on defendant Curren was returned unexecuted. The undersigned has separately
ordered plaintiff to provide more information regarding the location of defendant Curren.

1 Attorney General has agreed to participate in this pilot project. No defenses or objections shall be
2 waived by their participation.

3 As set forth in the screening order, plaintiff has stated a potentially cognizable civil rights
4 claim. Thus, the court stays this action for a period of 120 days to allow the parties to investigate
5 plaintiff's claims, meet and confer, and then participate in a settlement conference.

6 There is a presumption that all post-screening civil rights cases assigned to the
7 undersigned will proceed to settlement conference.³ However, if after investigating plaintiff's
8 claims and speaking with plaintiff, and after conferring with defense counsel's supervisor,
9 defense counsel in good faith finds that a settlement conference would be a waste of resources,
10 defense counsel may move to opt out of this pilot project.

11 By filing the attached notice within thirty days, the parties shall notify the court whether
12 they waive disqualification for the undersigned to hold the settlement conference or whether they
13 request a different judge. Plaintiff shall also indicate his preference to appear in person or by
14 videoconference, if available. Failure to timely file such notice will result in the case being set
15 for settlement conference before a different judge.

16 Within thirty days, the assigned Deputy Attorney General shall contact the Courtroom
17 Deputy, Alexandra Waldrop, at (916) 930-4187, to schedule the settlement conference. If
18 difficulties arise in scheduling the settlement conference due to the court's calendar, the parties
19 may seek an extension of the initial 120 day stay.

20 Once the settlement conference is scheduled, at least seven days prior to conference, the
21 parties shall submit to the assigned settlement judge a confidential settlement conference
22 statement. The parties' confidential settlement conference statement shall include the following:
23 (a) names and locations of the parties; (b) a short statement of the facts and alleged damages; (c) a
24 short procedural history; (d) an analysis of the risk of liability, including a discussion of the
25 efforts made to investigate the allegations; and (e) a discussion of the efforts that have been made
26 to settle the case.

27 ³ If the case does not settle, the court will set a date for the filing of a responsive pleading at the
28 conference.

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 a responsive pleading is filed, or the discovery process begins. Except as provided
4 herein or by subsequent court order, no other pleadings or other documents may be filed in this
5 case during the stay of this action. The parties shall not engage in formal discovery, but the
6 parties may elect to engage in informal discovery.

7 2. Within thirty days from the date of this order, the parties shall file the attached notice,
8 informing the court whether they waive disqualification for the undersigned to hold the settlement
9 conference, or whether they choose to have the settlement conference held by a different judge.

10 3. Within thirty days from the date of this order, the assigned Deputy Attorney General
11 shall contact this court's Courtroom Deputy, Alexandra Waldrop, at (916) 930-4187, to schedule
12 the settlement conference.

13 4. At least seven days prior to the settlement conference, each party shall submit a
14 confidential settlement conference statement, as described above, to the judge assigned for
15 settlement.

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

18 6. The Clerk of the Court shall serve copies of (a) plaintiff's complaint (ECF No. 13), (b)
19 the screening order (ECF No. 17), and (c) the instant order, on Supervising Deputy Attorney
20 General Christopher Becker.

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

25 Dated: June 5, 2018

26 
27 KENDALL J. NEWMAN
28 UNITED STATES MAGISTRATE JUDGE

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NOTICE RE: JUDGE ELECTION FOR
SETTLEMENT CONFERENCE (POST-
SCREENING ADR PROJECT)

12 1. As required by court order, the parties notify the court of the following election:

13 _____ Pursuant to Local Rule 270(b) of the Eastern District of California, the party signing
14 below affirmatively requests that the assigned Magistrate Judge participate in the settlement
15 conference and, further, waives any claim of disqualification of the assigned Magistrate Judge on
16 that basis thereafter. This waiver is not to be construed as consent to the Magistrate Judge's
17 jurisdiction under 28 U.S.C. § 636(c)(1).

18 **OR**

19 _____ The party signing below requests that a different judge hold the settlement
20 conference.

21 **AND**

22 2. Plaintiff indicates his preference by checking one:

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

24 **OR**

25 _____ Plaintiff would like to participate in the settlement conference by video conference.

26 DATED:
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Plaintiff or Counsel for Defendants