

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

BEAU BANGERT,
Plaintiff,
v.
COUNTY OF PLACER, et al.,
Defendants.

No. 2:17-cv-1667 KJN P

ORDER

An informal telephonic discovery conference was held on March 15, 2019. Mark Merin and Patrick Dwyer appeared for plaintiffs. Julia Reeves, Deputy County Counsel, appeared for defendants. The Court and counsel discussed the case by phone. Good cause appearing, THE COURT FINDS AND ORDERS AS FOLLOWS:

1. All claims under \$50,000 which have been found by plaintiffs' counsel to be compensable, as identified on the list previously provided to counsel for the County, will be accepted (and proportionally reduced, if the amount exceeds the amount available to be distributed under the settlement agreement) with the following exceptions:

- Claims that were not filed under penalty of perjury
- Claims which allege an incident which occurred outside of a Placer County Correctional Facility
- Claims which do not allege any incident of force or retaliation by Correctional staff

1 --Claims which are clearly fraudulent

2 2. Counsel for the County will provide class counsel with a list of claims which were not
3 filed under penalty of perjury, which allege incidents which occurred outside of a Placer County
4 Correctional Facility, which do not allege any incident of force or retaliation by Correctional
5 staff, or which are clearly fraudulent by Friday, March 22, 2019.

6 3. For claims under \$50,000 which were not filed under penalty of perjury, the claimants
7 will be contacted by class counsel and provided with a one-time opportunity to sign his or her
8 claim under penalty of perjury within 30 days of class counsel contacting them.

9 4. Counsel will have 30 days to meet and confer regarding the list provided by counsel
10 for the County. In the event that agreement cannot be reached within the meet and confer period,
11 counsel will request a telephonic discovery conference with the court to discuss the process for
12 addressing any disputed claims with the court.

13 5. For claims of \$50,000 or \$100,000 which have been found by plaintiffs' counsel to be
14 compensable, as identified on the list provided to counsel for the County, class counsel together
15 with the claims administrator will request substantiation of medical records from the claimants to
16 occur within 30 days. Following receipt of medical information, counsel for the County and class
17 counsel will meet and confer on the claims. In the event that agreement cannot be reached within
18 the meet and confer period, counsel will request a telephonic discovery conference with the court
19 to discuss the process for addressing any disputed claims with the court.

20 6. Class counsel will formally file the Motion for Final Approval.

21 7. In the event of any disputes regarding use of force set forth in the quarterly audits,
22 counsel will meet and confer with regard to the uses of force but is not required to bring those
23 issues to the attention of the court until 30 days prior to the termination of the Reporting Period
24 (as that term is defined in the settlement agreement).


25 Dated: March 19, 2019

26

27

28

/bang1667.oah


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE