

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 RAMZI AHMED BADWI,

No. C 08-2221 SBA (pr)

5 Plaintiff,

6 v.

7 WARDEN ANTHONY HEDGPETH, et al.,

8 Defendants.

**ORDER APPOINTING COUNSEL FOR
CONTINUED REPRESENTATION OF
PLAINTIFF; DIRECTING PARTIES
TO ABIDE BY BRIEFING SCHEDULE
IN THE COURT'S JULY 27, 2011
ORDER; AND REFERRING CASE FOR
FURTHER SETTLEMENT
PROCEEDINGS, IF NECESSARY**

9 _____ /
10
11 Plaintiff, a state prisoner, has filed a pro se civil rights action pursuant to 42 U.S.C. § 1983,
12 stemming from incidents, including a rape by another prisoner, which occurred while he was
13 incarcerated at Salinas Valley State Prison in 2007. The Court has previously determined that the
14 only remaining request for relief is Plaintiff's request for injunctive relief compelling prison officials
15 to place him in a single cell.

16 In an Order dated May 23, 2011, the Court determined that it was in the best interests of the
17 parties and judicial efficiency to refer this action to Magistrate Judge Nandor Vadas for
18 court-ordered settlement proceedings pursuant to the Pro Se Prisoner Settlement Program. The
19 Court also determined that counsel should be appointed for Plaintiff; therefore, the Court appointed
20 "Jessica Valenzuela Santamaria, Esq. (SBN 220934), Erin Wallace, Esq. (SBN 262377) and Kathlyn
21 Querubin, Esq. (SBN 275085) of Cooley Godward LLP . . . as counsel for Plaintiff in this matter
22 (initially, during further settlement proceedings, and then with the option to consider continuing on
23 representation if the case does not settle) pursuant to 28 U.S.C. § 1915(e)(1) and the Court's Federal
24 Pro Bono Project guidelines." (May 23, 2011 Order at 1-2.)

25 On June 13, 2011, Defendants filed a motion to dismiss.

26 In an Order dated July 27, 2011, the Court granted Plaintiff an extension of time up to and
27 including October 7, 2011 to file his opposition to the motion to dismiss.

28 On August 23, 2011, the parties appeared before Magistrate Judge Vadas for court-ordered

1 settlement proceedings.

2 In a report dated August 31, 2011, Magistrate Judge Vadas informed the Court about the
3 result of the settlement proceedings, as follows: "The parties are unable to reach an agreement at this
4 time. However, counsel will request a further settlement conference after dispositive motions in this
5 case, if necessary." (Aug. 31, 2011 Report at 2.)

6 In a letter dated September 6, 2011, Plaintiff's counsel, Attorney Querubin, informed the
7 Court that "Cooley LLP will continue [their] representation of Mr. Ramzi Ahmed Badwi
8 through the next settlement conference, with the possibility that [they] will represent him for the
9 duration of the litigation." (Atty. Querubin's Sept. 6, 2011 Letter at 1.) She added:

10 . . . we will file a brief in opposition to Defendants' motion to dismiss by the
11 October 7, 2011 deadline and represent Mr. Badwi at the hearing. We will also
continue our investigation of Mr. Badwi's claims and seek to file an amended
complaint to assert any additional claims he may have.

12 (Id.)

13 The Court finds that it would be beneficial to have counsel assist Plaintiff in opposing the
14 pending motion to dismiss as well as in any further settlement proceedings, if necessary; and, having
15 been informed by volunteer counsel that they are willing to continue their representation of Plaintiff
16 in this regard,

17 IT IS HEREBY ORDERED that the appointment of Jessica Valenzuela Santamaria, Esq.
18 (SBN 220934), Erin Wallace, Esq. (SBN 262377) and Kathlyn Querubin, Esq. (SBN 275085) of
19 Cooley Godward LLP as counsel for Plaintiff in this matter will continue (to assist him in opposing
20 Defendants' motion to dismiss as well as in any further settlement proceedings, if necessary; and
21 then with the option to consider continuing on representation if the case still does not settle)
22 pursuant to 28 U.S.C. § 1915(e)(1) and the Court's Federal Pro Bono Project guidelines.

23 The Clerk of the Court shall send a copy of this Order to Ms. Santamaria, Ms. Wallace and
24 Ms. Querubin at Cooley Godward LLP, 101 California Street, Fifth Floor, San Francisco, California
25 94111-5800. The Clerk of the Court shall also send a copy of this Order to Plaintiff, and to
26 Defendants' counsel.

27 The parties shall abide by the briefing schedule outlined in the Court's Order dated July 27,
28 2011. Plaintiff's counsel shall file an opposition to Defendants' motion to dismiss no later than

1 **October 7, 2011.** Defendants shall file their reply no later than **seven (7) days** after Plaintiff's
2 opposition has been filed. **Because Plaintiff has already been granted an extension to file his**
3 **opposition, no further extensions of time will be granted absent exigent circumstances.**

4 As mentioned above, the Court will refer this action to Magistrate Judge Vadas for further
5 settlement proceedings in the event that this case is not resolved at the dispositive motion stage. The
6 settlement conference shall take place within **sixty (60) days** after the date of the Order denying
7 Defendants' motion to dismiss, if such an Order is issued. Magistrate Judge Vadas shall coordinate a
8 place, time and date for the conference with all interested parties and/or their representatives and,
9 within **ten (10) days** after the conclusion of the conference, file with the Court a report regarding the
10 conference.

11 The Clerk shall provide a copy of this Order to Magistrate Judge Vadas in Eureka,
12 California.

13 IT IS SO ORDERED.

14 DATED: 9/13/11


SAUNDRA BROWN ARMSTRONG
United States District Judge

15
16
17
18
19
20
21
22
23
24
25
26
27
28