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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 WILLIAM ANTHONY BOND,)
11)
12 Plaintiff,)
13 v.)
14 PHILIPPI, et al,)
15 Defendants.)
16)

CASE NO.: 15-cv-04079-KAW (PR)
RESPONSE TO OSC TO COUNSEL FOR
PLAINTIFF

17
18 My calendar for March shows a status conference phone appearance for March 14 without
19 a time designation. It was not called to my attention the day before or the day of its scheduling.
20 My secretary handled calendar entries and reminders. I just do not know what happened. I
21 certainly did not ignore it on purpose.

22 I returned from a state court appearance on March 27, 2017. My secretary of several years
23 came in to the office in the morning and quit without notice or explanation, completely
24 unexpectedly. After that I was without calendar assistance and daily reminders. I have really
25 needed that help as I am 73 years old and having memory issues. Upon my return from Orange
26 County, I have no recall of having seen the calendar note of the phone conference, perhaps due to
27 the office turmoil with which my solo practice was dealing. I am sure I contacted a court clerk in
28 this regard and left a phone message. I cannot determine if I wrote to the Court to explain,
although I thought I did.

1 The Court may recall, I was reluctant to take this case because of my plan to retire as soon
2 as possible. My client and I were most disappointed when we did not receive a legitimate and
3 meaningful settlement offer at the February 14, 2017, settlement conference in San Francisco. I

4 [REDACTED]
5 [REDACTED] I reasonably formed the opinion this case would not settle in any
6 manner wherein my client receives nothing of substance and not even an apology for falsely
7 locking him in solitary for so long, in excess of jail policy and outside common decency.

8 Mr. Bond has finished his sentence, served his time and has been released from custody.
9 He would like to resolve this case and put the ugly memory behind him. A further telephone
10 conference will only be of assistance to settle the case if the defendants make a four figure offer.
11 In light of my impending retirement, my client had promised to find other counsel. If we cannot
12 settle now, he will return to pro per status as he has not obtained replacement counsel as yet and is
13 not likely to do so unless there is a substantial likelihood of his being awarded punitive damages.

14 [REDACTED]

15 I hope you will excuse the delay in my filing this response as I have had a power outage
16 from an equipment short which has affected my phone and internet. My client was out of phone
17 contact until yesterday and so I was unable to discuss or confirm his wishes. If we cannot
18 conclude the case now, he will become pro se for all purposes.

19 Dated: June 16, 2017

20 /s/ Ellen C. Dove
21 ELLEN C. DOVE
22 Attorney for Plaintiff
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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 WILLIAM ANTHONY BOND,)	CASE NO.: 15-cv-04079-KAW (PR)
)	
11 Plaintiff,)	
)	
12 v.)	PLAINTIFF'S CASE MANAGEMENT
)	STATEMENT
13 PHILIPPI, et al,)	
)	
14 Defendants.)	
)	

16
17 1. Jurisdiction has been established.

18 2. Factual and Legal Issues are not yet clearly presented. Plaintiff experienced
19 discrimination and retaliation for exercising his First Amendment rights and his right to due
20 process for an alleged and unproved infraction. For that pretextual infraction he was placed into a
21 solitary cell, commonly referred to as the "hole" for an excessive number of days with all contact
22 and exercise restricted or denied. That unwarranted isolation and deprivation of liberty, even in a
23 jail setting, can and did amount to cruel and unusual punishment. Plaintiff has averred facts in his
24 Complaint which when proved will establish multiple federal and state constitutional violations.
25 No discovery has taken place and the pro se complaint will need to be amended to provide details
26 for the general facts alleged. Defendants' Case Management Statement reflects a very narrow
27 view of the facts and issues.

28 3. Discovery: Considering the age of this case and an Answer having been filed 10
months ago, it is a concern no discovery on either side has commenced. There have been no Rule

1 26 disclosures to date. A discovery plan is not a prerequisite to commencing this vital activity.
2 Perhaps if defendants knew the extent and more detail of the complaints, they would have been
3 more amenable to an early and less costly (in terms of expenses) settlement.

4 4. There are no current motions before the Court, but plaintiff is considering whether he
5 needs to make a motion to amend to provide additional facts. The status of the State Habeas
6 Corpus is not relevant as plaintiff has been released from custody in the interim, having served his
7 time rather than achieved a release from a legal process for same.

8 5. Plaintiff is unaware of whether there is significant electronically stored information,
9 particularly absent discovery requests, but does not anticipate a problem if the pertinent
10 information has been preserved thus far and will not be withheld from him.

11 6. Although mistreatment of inmates is all too common, plaintiff does not see himself as a
12 part of any ongoing or potential class action suit. There are no related cases.

13 7. Settlement discussions and conferences have been futile as defendants have not been
14 willing to make a meaningful offer. Plaintiff's counsel has opened the door for informal
15 discussions at any time.

16 8. Plaintiff has not yet agreed to consent to a Magistrate Judge for all purposes, but it fine
17 with one for settlement conferences.

18 9. The issues are already relatively narrow, so this is not an issue.

19 10. Plaintiff would be open to expedited trial procedures. He would like a shortened
20 schedule for deadlines and trial. He may consider a bench trial and thinks this could be concluded
21 in less than five court days.

22 11. Plaintiff is unaware of any non-party interested entities.

23 12. Plaintiff is unaware of any other matters to be considered at this time to facilitate a
24 speedy and fair disposition of these claims. Plaintiff is mindful his counsel is about to retire and
25 he is prepared to continue without counsel when that occurs.

26 Dated: June 26, 2017

27 /s/ Ellen C. Dove
28 ELLEN C. DOVE
Attorney for Plaintiff