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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KYLE WHELAN AVERY,  
Plaintiff,  
v.  
THOMPSON,  
Defendant.

Case No. [03-cv-04233-RMW](#) (NJV)

**REPORT OF PRO SE PRISONER  
EARLY SETTLEMENT PROCEEDING**

Re: Dkt. No. 116

A settlement conference was held on August 16, 2013 in San Francisco, and the results of that proceeding are indicated below:

(1) The following individuals, parties, and/or representatives participated in the proceeding, and each possessed the requisite settlement authority:

- Plaintiff, Kyle Avery by phone and Plaintiff's counsel, Lori Rifkin in Court
- Warden or warden's representative
- Office of the California Attorney General, Michael Quinn in Court
- Other:

(2) The following individuals, parties, and/or representatives did not appear:

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(3) The outcome of the proceeding was:

- The case has been completely settled.
- The case has been partially resolved and counsel for defendants shall file a joint stipulation regarding those claims which have been resolved. The issues outlined on the sheet attached remain for this Court to resolve.
- The parties are unable to reach an agreement at this time.

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**IT IS SO ORDERED.**

Dated: 8/16/13



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NANDOR J. VADAS  
United States Magistrate Judge