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8 *Greg Cox, John Keast, Bruce Spero*
and Lisa Walsh
9

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 JOHN FLOWERS aka
CRAIG JACOBSEN, JR,

13
14 Plaintiff,

15 vs.

16 ISIDRO BACA, et al.,

17 Defendants.

Case No. 3:14-cv-00366-RFB-CSD

**JOINT STATUS REPORT REGARDING
STATUS OF SETTLEMENT FUNDS**

18 Plaintiff John Flowers aka Craig Jacobsen, Jr. by and through his counsel, Jackson
19 Lewis P.C., and Defendants, Isidro Baca, Bruce Bannister, Ronald Centric, Greg Cox,
20 John Keast, Bruce Spero and Lisa Walsh, by and through counsel, Janet L. Merrill,
21 Deputy Attorney General, hereby submit this Joint Status Report in response to
22 Plaintiff's Motion for Demand of Negotiation Settlement. ECF No. 99.

23 1. On October 31, 2023, the parties submitted a Joint Notice of Settlement,
24 which stated the parties had reached a settlement and were in the process of finalizing
25 settlement documents.

26 2. On December 28, 2023, the parties submitted a Joint Status Report
27 Regarding Settlement. ECF No. 96. The stipulation stated the parties were in the process
28 of finalizing the settlement documents and issuing the settlement checks, but this process

1 was delayed, in part, due to the Arizona Department of Correction's restrictions on
2 accepting checks for inmate deposit accounts.

3 3. On January 4, 2024, Plaintiff's counsel met with Plaintiff via telephone to
4 discuss the terms of the settlement agreement and explain how the settlement fund
5 would be dispersed. Plaintiff indicated he understood how the funds would be dispersed.
6 Counsel requested Plaintiff confirm when he received the funds as Arizona's Department
7 of Corrections, Inmate Banking Division provided this information directly to Plaintiff.

8 4. On January 17, 2024, Plaintiff provided a signed copy of the settlement
9 agreement and final release of all claims.

10 5. After receiving the executed settlement agreement, the Nevada Department
11 of Corrections issued one check and the State of Nevada issued the second settlement
12 check. The two checks totaled the total settlement amount.

13 6. On February 6, 2024, Plaintiff informed counsel via letter he had received
14 the first settlement check but had yet to receive the second.

15 7. Plaintiff's counsel contacted Plaintiff's case worker to request a telephone
16 call regarding the settlement funds. However, the case worker stated that Plaintiff had
17 been transferred to a new unit and counsel must contact the new unit case worker to
18 arrange a call.

19 8. Plaintiff's counsel contacted the new case worker to request a telephone call
20 to confirm whether Plaintiff had received the second check. The case worker informed
21 Plaintiff's counsel that "due to his current status," Plaintiff could not participate in
22 telephone calls until a mental health provider authorized it.

23 9. As of February 27, 2024, Plaintiff's counsel has yet to receive confirmation
24 that Plaintiff can participate in a telephone call to confirm whether he received the
25 second settlement check.

26 10. On February 15, 2024, Plaintiff, without the assistance of counsel, filed a
27 Motion for Demand of Negotiated Settlement. ECF No. 99. Plaintiff stated he had
28 received the first settlement check but not the second.

1 11. Following the filing of this document, Katlyn M. Brady and Janet L. Merrill,
2 as counsel of record, discussed the status of the second check and Plaintiff's pro se motion.

3 12. Ms. Merrill confirmed that the State of Nevada's financial records
4 demonstrate the second settlement check in the required amount was received, and
5 cashed, by the Arizona Department of Corrections.

6 13. During these conversations, Ms. Brady stated once Plaintiff confirmed he
7 received the second check, the parties would submit a stipulation to dismiss this matter
8 with prejudice.

9 14. Plaintiff's counsel is currently waiting for the Arizona Department of
10 Corrections to allow Plaintiff to participate in a telephone call to confirm whether he has
11 since received the second settlement check. Once the parties receive that information, a
12 stipulation to dismiss will be submitted.

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1 15. Accordingly, the parties jointly request the Court deny Plaintiff's pro se
2 Motion to Enforce Settlement without prejudice to allow additional time to confirm
3 Plaintiff's receipt of the funds from the Arizona Department of Corrections from the
4 cashed second settlement check.

5 DATED this 29th day of February 2024.

DATED this 29th day of February 2024.

6 JACKSON LEWIS P.C.

OFFICE OF ATTORNEY GENERAL

7
8 By: Katlyn M. Brady
9 Katlyn M. Brady, Esq.
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Attorneys for Plaintiff

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Attorneys for Defendants

15 IT IS SO ORDERED.

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17 UNITED STATES MAGISTRATE JUDGE

18 DATED: February 29, 2024
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