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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MONTE L. HANEY,

CASE NO. 1:07-cv-1104-AWI-SMS (PC)

11 Plaintiff,

ORDER SETTING
SETTLEMENT CONFERENCE

12 vs.

February 21, 2013, 1:00 p.m.

13 ADAMS, et al.,

14 Defendants.
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16 _____/
17 Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C.
18 § 1983. This case has been selected by the court for inclusion in the Prisoner Settlement
19 Program. Therefore, this case will be referred to Magistrate Judge Craig M. Kellison¹ to conduct
20 a settlement conference at the U. S. District Court, 501 I Street, Sacramento, California 95814 in
21 Courtroom #2 on February 21, 2013 at 1:00 p.m.

22 A separate order and writ of habeas corpus ad testificandum will issue concurrently with
23 this order.

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25 ¹ While the parties both responded to this Court's order by indicating they were amenable
26 to settlement conference in front of Judge Vadas, Judge Kellison is available and is present in
Sacramento where Plaintiff and defense counsel already reside. Thus, it is most reasonable to
proceed with setting the case for settlement conference in front of Judge Kellison rather than
Judge Vadas.

1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. This case is set for a settlement conference before Magistrate Judge Craig M.
3 Kellison on February 21, 2013, at 1:00 p.m. at the U. S. District Court, 501 I Street, Sacramento,
4 California 95814, in Courtroom #2.

5 2. A representative with full and unlimited authority to negotiate and enter into a
6 binding settlement on defendants' behalf shall attend in person.²

7 3. Those in attendance must be prepared to discuss the claims, defenses and
8 damages. The failure of any counsel, party, or authorized person subject to this order to appear
9 in person may result in the imposition of sanctions. In addition, the conference will not proceed
10 and will be reset to another date.

11 4. Judge Kellison or another representative from the court will be contacting the
12 parties either by telephone or in person, approximately one week prior to the settlement
13 conference to ascertain each party's expectations of the settlement conference.

14 IT IS SO ORDERED.

15 **Dated: January 15, 2013**

16 **/s/ Sandra M. Snyder**
UNITED STATES MAGISTRATE JUDGE

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20 ²The term "full authority to settle" means that the individuals attending the mediation
21 conference must be authorized to fully explore settlement options and to agree at that time to any
22 settlement terms acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.,
23 871 F.2d 648, 653 (7th Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6
24 F. 3d 1385, 1396 (9th Cir. 1993). The individual with full authority to settle must also have
25 "unfettered discretion and authority" to change the settlement position of the party, if appropriate.
26 Pittman v. Brinker Int'l, Inc., 216 F.R.D. 481, 485-86 (D. Ariz. 2003), amended on recon. in
part, Pitman v. Brinker Int'l, Inc., 2003 WL 23353478 (D. Ariz. 2003). The purpose behind
requiring the attendance of a person with full settlement authority is that the parties' view of the
case may be altered during the face to face conference. Pitman, 216 F.R.D. at 486. An
authorization to settle for a limited dollar amount or sum certain can be found not to comply with
the requirement of full authority to settle. Nick v. Morgan's Foods, Inc., 270 F. 3d 590, 596-97
(8th Cir. 2001).