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9	UNITED STATES DISTRICT COURT		
10	EASTERN DISTRICT OF CALIFORNIA		
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12	MICHAEL D. HARRISON,	Case No.: 1:08-cv-01065-AWI-MJS (PC)	
13	Plaintiff,		
14	٧.	ORDER SETTING SETTLEMENT CONFERENCE	
15	D. ADAMS, et al.,	CONFERENCE	
16	Defendants.		
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18	Plaintiff Michael Harrison is a sta	te prisoner proceeding pro se in this civil rights	
19	action brought pursuant to 42 U.S.C. § 1983. The Court has determined that this case		
20	will benefit from a settlement conference. Therefore, this case will be referred to		
21	Magistrate Judge Jennifer L. Thurston to conduct a settlement conference at Atascadero		
22	State Hospital, 10333 El Camino Real, Atascadero, California 93422 on July 6, 2016 at		
23	11:00 a.m.		
24	In accordance with the above, IT IS HEREBY ORDERED that:		
25	1. This case is set for a settlement conference before Magistrate Judge Jennifer		
26	L. Thurston on July 6, 2016 at 11:00 a.m. at Atascadero State Hospital, 10333		
27	El Camino Real, Atascadero, C	California 93422.	
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2	2. A	representative with full and unlimited authority to negotiate and enter into a	
3	bi	inding settlement on the defendants' behalf shall attend in person. ¹	
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5	3. TI	hose in attendance must be prepared to discuss the claims, defenses and	
6	da	amages. The failure of any counsel, party or authorized person subject to	
7	th	nis order to appear in person may result in the imposition of sanctions. In	
8	a	ddition, the conference will not proceed and will be reset to another date.	
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10	4. A [.]	t least 21 days before the settlement conference, Plaintiff SHALL submit to	
11	D	efendant, by mail, a written itemization of damages and a meaningful	
12	Se	ettlement demand, which includes a brief explanation of why such a	
13	Se	ettlement is appropriate, not to exceed ten pages in length. Thereafter, no	
14	la	ater than 14 days before the settlement conference, Defendant SHALL	
15	re	espond, by telephone or in person, with an acceptance of the offer or with a	
16	m	neaningful counteroffer, which includes a brief explanation of why such a	
17	Se	ettlement is appropriate. If settlement is achieved, defense counsel is to	
18	in	nmediately inform the Courtroom Deputy of Magistrate Judge Thurston.	
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20	5. lf	settlement is not achieved informally, each party is directed to submit	
21	¹ W/bile the ex	xercise of its authority is subject to abuse of discretion review, "the district court has the	
22	authority to c	order parties, including the federal government, to participate in mandatory settlement " United States v. United States District Court for the Northern Mariana Islands, 694 F.3d	
23	1051, 1053, 1	057, 1059 (9th Cir. 2012) ("the district court has broad authority to compel participation in ettlement conference[s]."). The term "full authority to settle" means that the individuals	
24	attending the i	mediation conference must be authorized to fully explore settlement options and to agree at ny settlement terms acceptable to the parties. <u>G. Heileman Brewing Co., Inc. v. Joseph Oat</u>	
25	<u>Corp.</u> , 871 F.2d 648, 653 (7th Cir. 1989), <u>cited with approval in</u> <u>Official Airline Guides, Inc. v. Goss</u> , 6 F.3d 1385, 1396 (9th Cir. 1993). The individual with full authority to settle must also have "unfettered discretion		
26	and authority" to change the settlement position of the party, if appropriate. <u>Pitman v. Brinker Int'l., Inc.,</u> 216 F.R.D. 481, 485-86 (D. Ariz. 2003), <u>amended on recon. in part</u> , <u>Pitman v. Brinker Int'l., Inc.</u> , 2003 WL		
27	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. <u>Pitman</u> ,		
28	comply with th	486. An authorization to settle for a limited dollar amount or sum certain can be found not to be requirement of full authority to settle. <u>Nick v. Morgan's Foods, Inc.</u> , 270 F.3d 590, 596-97	
	(8th Cir. 2001)). 2	
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2	confidential settlement statements no later than June 29, 2016 to
3	jltorders@caed.uscourts.gov. Plaintiff shall mail his confidential settlement
4	statement to U. S. District Court, ADR Director, 501 I Street, Suite 4-200,
5	Sacramento, California 95814 so it arrives no later than June 29, 2016. If a
6	party desires to share additional confidential information with the Court, they
7	may do so pursuant to the provisions of Local Rule 270(d) and (e). Parties are
8	also directed to file a "Notice of Submission of Confidential Settlement
9	Statement" (See L.R. 270(d)).
10	
11	Settlement statements should not be filed with the Clerk of the Court nor
12	served on any other party. Settlement statements shall be clearly marked
13	"confidential" with the date and time of the settlement conference indicated
14	prominently thereon.
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16	The confidential settlement statement shall be no longer than five pages in
17	length, typed or neatly printed, and include the following:
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19	a. A brief statement of the facts of the case.
20	b. A brief statement of the claims and defenses, i.e., statutory or other
21	grounds upon which the claims are founded; a forthright evaluation of the
22	parties' likelihood of prevailing on the claims and defenses; and a
23	description of the major issues in dispute.
24	c. A summary of the proceedings to date.
25	d. An estimate of the cost and time to be expended for further discovery,
26	pretrial, and trial.
27	e. The relief sought.
28	f. The party's position on settlement, including present demands and offers
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2 and a history of past settlement discussions, offers, and demands. 3 g. A brief statement of each party's expectations and goals for the settlement conference. 5 IT IS SO ORDERED. 7 Dated: <u>April 7, 2016</u> <u>Is Michael f. Sung</u> UNITED STATES MAGISTRATE JUDGE 9 UNITED STATES MAGISTRATE JUDGE 10 IT IS SO ORDERED. 11 IS Michael f. Sung UNITED STATES MAGISTRATE JUDGE 12 UNITED STATES MAGISTRATE JUDGE 13 IS IS State for the settlement settleme	4		
 g. A brief statement of each party's expectations and goals for the settlement conference. IT IS SO ORDERED. Dated: <u>April 7, 2016</u> <u>IsJ Michael J. Seng</u> UNITED STATES MAGISTRATE JUDGE II III III	1		
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6 IT IS SO ORDERED. 7 Dated: <u>April 7, 2016</u> 9 UNITED STATES MAGISTRATE JUDGE 9 UNITED STATES MAGISTRATE JUDGE 10 Image: Ima		conference.	
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