

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

KEVIN E. FIELDS,

Plaintiff,

v.

MAURICE JUNIOUS, et al.,

Defendants.

Case No. 1:09-cv-01771-AWI-DLB PC

**ORDER SETTING SETTLEMENT  
CONFERENCE BEFORE MAGISTRATE  
JUDGE CRAIG M. KELLISON**

**November 8, 2012 at 9 a.m.**

Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On August 16, 2012, the undersigned issued an order requesting confidential statements regarding case selection for the Court's prisoner settlement program. The Court has received confidential statements from both parties and has determined this case would benefit from inclusion in the Court's prisoner settlement program.

Therefore, this case will be referred to United States Magistrate Judge Craig M. Kellison to conduct a settlement conference at the United States District Court, 501 I Street, Sacramento, California 95814 in Courtroom #2 on November 8, 2012 at 9:00 a.m.

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

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

1. This case is set for a settlement conference before Magistrate Judge Craig M. Kellison on November 8, 2012, at 9:00 a.m. at the United States District Court, 501 I Street, Sacramento,

1 California 95814 in Courtroom #2.

2 2. Defendants' lead counsel and a person with full and unlimited authority to negotiate and  
3 enter into a binding settlement on defendants' behalf shall attend in person.<sup>1</sup>

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

8  
9  
10 IT IS SO ORDERED.

11 Dated: September 24, 2012

/s/ Dennis L. Beck  
12 UNITED STATES MAGISTRATE JUDGE

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23 <sup>1</sup>The term "full authority to settle" means that the individuals attending the mediation conference  
24 must be authorized to fully explore settlement options and to agree at that time to any settlement  
25 terms acceptable to the parties. *G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.*, 871 F.2d 648,  
26 653 (7th Cir. 1989), *cited with approval in Official Airline Guides, Inc. v. Goss*, 6 F. 3d 1385, 1396  
27 (9th Cir. 1993). The individual with full authority to settle must also have "unfettered discretion and  
28 authority" to change the settlement position of the party, if appropriate. *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. *Pittman*, 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).