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8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA**

10
11 CHRISTOPHER HARBRIDGE,

12 Plaintiff,

13 v.

14 YATES, et al.,

15 Defendants.
16

1:10-cv-00473-DAD-JLT (PC)

ORDER SETTING SETTLEMENT
CONFERENCE

17 On August 1, 2016, the Court ordered parties to file statements indicating whether a
18 settlement conference would be beneficial. (Doc. 129.) All parties filed statements responding
19 they would not be opposed. (Docs. 130, 131.) Therefore, this case will be referred to Magistrate
20 Judge Stanley A. Boone to conduct a settlement conference at the U. S. District Court, 2500
21 Tulare Street, Fresno, California 93721 in Courtroom #9 on December 5, 2016 at 11:00 a.m.

22 A separate order and writ of habeas corpus ad testificandum will issue closer to the date of
23 the settlement conference.

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

- 25 1. This case is set for a settlement conference before Magistrate Judge Stanley A. Boone
26 on December 5, 2016, at 11:00 a.m. at the U. S. District Court, 2500 Tulare Street,
27 Fresno, California 93721 in Courtroom #9.
28 2. A representative with full and unlimited authority to negotiate and enter into a binding

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2 settlement on the defendant's behalf shall attend in person.¹

3 3. Those in attendance must be prepared to discuss the claims, defenses and damages.

4 The failure of any counsel, party or authorized person subject to this order to appear in
5 person may result in the imposition of sanctions. In addition, the conference will not
6 proceed and will be reset to another date.

7 4. The parties are directed to submit confidential settlement conference statements to the
8 court using the following email address: saborders@caed.uscourts.gov. Plaintiff shall
9 mail his confidential settlement statement to Sujean Park, ADR & Pro Bono Program
10 Director, USDC CAED, 501 I Street, Suite 4-200, Sacramento, California 95814. The
11 envelope shall be marked "Confidential Settlement Statement." Settlement statements
12 shall arrive no later than November 28, 2016. Upon submission of confidential
13 settlement statements, each party shall file on the docket a "Notice of Submission of
14 Confidential Settlement Statement."

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16 Settlement statements **should not be filed** with the Clerk of the Court **nor served on any**
17 **other party**. Settlement statements shall be clearly marked "confidential" with the date and time
18 of the settlement conference indicated prominently thereon.

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23 ¹ While the exercise of its authority is subject to abuse of discretion review, "the district court has the authority to
24 order parties, including the federal government, to participate in mandatory settlement conferences..." United States
25 v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir.
26 2012)("the district court has broad authority to compel participation in mandatory settlement conference[s]"). The
27 term "full authority to settle" means that the individuals attending the mediation conference must be authorized to
28 fully explore settlement options and to agree at that time to any settlement terms acceptable to the parties. G.
Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989), cited with approval in Official
Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9th Cir. 1993). The individual with full authority to settle must also
have "unfettered discretion and authority" to change the settlement position of the party, if appropriate. Pitman 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).

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2 The confidential settlement statement shall be **no longer than five pages** in length, typed
3 or neatly printed, and include the following:

- 4 a. A brief statement of the facts of the case.
- 5 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon
6 which the claims are founded; a forthright evaluation of the parties' likelihood of
7 prevailing on the claims and defenses; and a description of the major issues in
8 dispute.
- 9 c. A summary of the proceedings to date.
- 10 d. An estimate of the cost and time to be expended for further discovery, pretrial, and
11 trial.
- 12 e. The relief sought.
- 13 f. The party's position on settlement, including present demands and offers and a
14 history of past settlement discussions, offers, and demands.
- 15 g. A brief statement of each party's expectations and goals for the settlement
16 conference.

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18 IT IS SO ORDERED.

19 Dated: August 18, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE