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

ROBERT BALTIMORE,
Plaintiff,

v.
CHRISTOPHER HAGGINS
Defendant.

Case No. 1:10-cv-00931 LJO JLT (PC)
**ORDER SETTING SETTLEMENT
CONFERENCE**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action under 42 U.S.C. § 1983. This case shall be referred to United States Magistrate Judge Jennifer L. Thurston to conduct a settlement conference.

Parties will be required to file a signed Waiver of Disqualification (included below), or notice of non-waiver of disqualification, no later than February 22, 2013.

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

1. This case is set for a settlement conference before the undersigned on March 15, 2013, at 10:00 a.m. at California State Prison-Corcoran (CSP-COR), 4001 King Avenue, Corcoran, CA 93212.

2. Parties are required to file a signed Waiver of Disqualification, or notice of non-waiver of disqualification, **no later than** February 22, 2013.

1 3. Defendants' lead counsel and a person with full¹ and unlimited authority to negotiate
2 and enter into a binding settlement on defendants' behalf shall attend in person, unless otherwise
3 excused by the Court in advance of the conference.

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

5 **The failure of any counsel, party or authorized person subject to this order to participate in**
6 **the settlement conference may result in the imposition of sanctions.**

7 5. The Clerk of the Court is directed to serve a copy of this order on the Litigation Office
8 at CSP-COR via facsimile at (559) 992-7372.

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10 **IT IS SO ORDERED.**

11 **Dated: January 17, 2013**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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23 ¹ **Error! Main Document Only.** The term "full and unlimited authority to settle" means that the individuals
24 attending the mediation conference must be authorized to fully explore settlement options and to agree at that time to
25 any settlement 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 (9th Cir. 1993).
27 The individual with full authority to settle must also have "unfettered discretion and authority" to change the
28 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. 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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CHRISTOPHER HAGGINS
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Case No. 1:10-cv-00931 LJO JLT (PC)
WAIVER OF DISQUALIFICATION

Under Local Rule 270(b) of the Eastern District of California, the parties to the herein action affirmatively request that Magistrate Judge Thurston preside over the settlement conference scheduled for March 15, 2013. To the extent the parties consent to trial of the case before the assigned Magistrate Judge, they waive any claim of disqualification to the assigned Magistrate Judge trying the case thereafter.

By: Plaintiff

By: Attorney for Defendant