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

KEVIN D. BRYANT,

 Plaintiff,

 v.

GALLAGHER, et al.,

 Defendants.

Case No.: 1:11-cv-00446-LJO-BAM PC

**ORDER SETTING SETTLEMENT
CONFERENCE**

Settlement Conference: June 2, 2015, at 10:00
a.m. in Courtroom 9 (SAB)

Plaintiff Kevin D. Bryant (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On March 10, 2015, the Court granted the parties’ joint request for referral of this matter to the Court’s Prisoner Settlement Program for mediation. Pursuant to the joint request, this case has been referred to Magistrate Judge Stanley A. Boone to conduct a settlement conference at the U. S. District Court, 2500 Tulare Street, Fresno, California 93721 in Courtroom #9 on June 2, 2015, at 10:00 a.m.

A separate writ of habeas corpus ad testificandum will issue concurrently with this order to secure Plaintiff’s attendance at the settlement conference.

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

1. This case is set for a settlement conference before Magistrate Judge Stanley A. Boone on June 2, 2015, at 10:00 a.m. at the U. S. District Court, 2500 Tulare Street, Fresno, California 93721 in Courtroom #9.

- 1 2. Plaintiff will appear at the settlement conference in person as directed by separate
2 order.
- 3 3. A representative for defendants with full and unlimited authority to negotiate and enter
4 into a binding settlement shall attend in person.¹
- 5 4. Those in attendance must be prepared to discuss the claims, defenses and damages.
6 The failure of any counsel, party or authorized person subject to this order to appear in
7 person may result in the imposition of sanctions. In addition, the conference will not
8 proceed and will be reset to another date.
- 9 5. Each party shall provide a confidential settlement statement to the chambers of
10 Magistrate Judge Stanley A. Boone, U. S. District Court, 2500 Tulare Street, Fresno,
11 California 93721, or by email to saborders@caed.uscourts.gov so they arrive no later
12 than May 18, 2015, and file a Notice of Submission of Confidential Settlement
13 Statement (See L.R. 270(d)).

14
15 Settlement statements **should not be filed** with the Clerk of the court **nor served on**
16 **any other party**. Settlement statements shall be clearly marked “confidential” with
17 the date and time of the settlement conference indicated prominently thereon.

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19 The confidential settlement statement shall be **no longer than five pages** in length,
20 typed or neatly printed. The confidential settlement conference statement shall

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22 ¹ While the exercise of its authority is subject to abuse of discretion review, “the district court has the
23 authority to order parties, including the federal government, to participate in mandatory settlement
24 conferences....” United States v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051,
25 1053, 1057, 1059 (9th Cir. 2012)(“the district court has broad authority to compel participation in mandatory
26 settlement conference[s].”). The term “full authority to settle” means that the individuals attending the
27 mediation conference must be authorized to fully explore settlement options and to agree at that time to any
28 settlement terms acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648,
29 653 (7th Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9th Cir. 1993).
30 The individual with full authority to settle must also have “unfettered discretion and authority” to change the
31 settlement position of the party, if appropriate. Pitman v. Brinker Int’l, Inc., 216 F.R.D. 481, 485-86 (D. Ariz.
32 2003), amended on recon. in part, Pitman v. Brinker Int’l, Inc., 2003 WL 23353478 (D. Ariz. 2003). The
33 purpose behind requiring the attendance of a person with full settlement authority is that the parties’ view of
34 the case may be altered during the face to face conference. Pitman, 216 F.R.D. at 486. An authorization to
35 settle for a limited dollar amount or sum certain can be found not to comply with the requirement of full
36 authority to settle. Nick v. Morgan’s Foods, Inc., 270 F.3d 590, 596-97 (8th Cir. 2001).

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include the following:

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

6. These proceedings are stayed pending completion of the settlement conference.

IT IS SO ORDERED.

Dated: March 12, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE