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7	UNITED STATES DISTRICT COURT		
8	EASTERN DISTRICT OF CALIFORNIA		
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10	CORNELL BROWN,	Case No.: 1:12-cv-01472-BAM (PC)	
11	Plaintiff,	ORDER SETTING SETTLEMENT CONFERENCE	
12	v.	<b>Date:</b> July 7, 2017	
13	R. HARRIS,	<b>Time:</b> 9:30 a.m.	
14	Defendant.	<b>Location:</b> Courtroom #24, U.S. District Court, 501 I Street, Sacramento, California 95814	
15 16	Plaintiff Cornell Brown is a state pris	oner proceeding in forma pauperis in this civil rights	
10	action pursuant to 42 U.S.C. § 1983. The parties have agreed that this matter would benefit from		
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20	settlement conference at the U. S. District Court, 501 I Street, Sacramento, California 95814 in		
20 21	Courtroom #24 on July 7, 2017 at 9:30 a.m. A separate order and writ of habeas corpus ad		
22	testificandum will issue in due course.	1 1	
23	In accordance with the above, IT IS H	IEREBY ORDERED that:	
24	1. This case is set for a settlement co	onference before Magistrate Judge Carolyn K.	
25	Delaney on July 7, 2017 at 9:30 a	.m. in Courtroom #24 at the U. S. District Court, 501	
26	I Street, Sacramento, California 9.	5814.	
27	2. Parties are instructed to have a pri	ncipal with full settlement authority present at the	
28	Settlement Conference or to be fu	lly authorized to settle the matter on any terms. The	
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1	individual with full authority to settle must also have "unfettered discretion and	
2	authority" to change the settlement position of the party, if appropriate. The purpose	
3	behind requiring the attendance of a person with full settlement authority is that the	
4	parties' view of the case may be altered during the face to face conference. An	
5	authorization to settle for a limited dollar amount or sum certain can be found not to	
6	comply with the requirement of full authority to settle. <sup>1</sup>	
7	3. Parties are directed to submit confidential settlement statements no later than June 30,	
8	2017 to <u>ckdorders@caed.uscourts.gov</u> . If a party desires to share additional	
9	confidential information with the Court, they may do so pursuant to the provisions of	
10	Local Rule 270(d) and (e). Parties are also directed to file a "Notice of Submission of	
11	Confidential Settlement Statement" (See L.R. 270(d)).	
12	4. Settlement statements should not be filed with the Clerk of the Court nor served on	
13	any other party. Settlement statements shall be clearly marked "confidential" with	
14	the date and time of the settlement conference indicated prominently thereon.	
15	The confidential settlement statement shall be no longer than five pages in length,	
16	typed or neatly printed, and include the following:	
17	a. A brief statement of the facts of the case.	
18	b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon	
19	which the claims are founded; a forthright evaluation of the parties' likelihood of	
20	$\frac{1}{1}$ While the exercise of its authority is subject to abuse of discretion review, "the district court has the	
21	authority to order parties, including the federal government, to participate in mandatory settlement conferences" <u>United States v. United States District Court for the Northern Mariana Islands</u> , 694 F.3d 1051, 1053, 1057, 1059 (9 <sup>th</sup> Cir. 2012)("the district court has broad authority to compel participation in mandatory settlement conference[s]."). The term "full authority to settle" means that the individuals attending the mediation conference must be authorized to fully explore settlement options and to agree at	
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24	that time to any settlement terms acceptable to the parties. <u>G. Heileman Brewing Co., Inc. v. Joseph Oat</u> <u>Corp.</u> , 871 F.2d 648, 653 (7 <sup>th</sup> Cir. 1989), <u>cited with approval in Official Airline Guides, Inc. v. Goss</u> , 6	
25	F.3d 1385, 1396 (9 <sup>th</sup> 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. <u>Pitman v. Brinker</u>	
26	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	
27	full settlement authority is that the parties' view of the case may be altered during the face to face conference. <u>Pitman</u> , 216 F.R.D. at 486. An authorization to settle for a limited dollar amount or sum	
28	certain can be found not to comply with the requirement of full authority to settle. <u>Nick v. Morgan's</u> <u>Foods, Inc.</u> , 270 F.3d 590, 596-97 (8 <sup>th</sup> Cir. 2001).	
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1	prevailing on the claims and defenses; and a description of the major issues in	
2	dispute.	
3	c. A summary of the proceedings to date.	
4	d. An estimate of the cost and time to be expended for further discovery, pretrial, and	
5	trial.	
6	e. The relief sought.	
7	f. The party's position on settlement, including present demands and offers and a	
8	history of past settlement discussions, offers, and demands.	
9	g. A brief statement of each party's expectations and goals for the settlement	
10	conference.	
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12	IT IS SO ORDERED.	
13	Dated: March 28, 2017 /s/ Barbara A. McAuliffe	
14	UNITED STATES MAGISTRATE JUDGE	
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