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6	UNITED STATE	S DISTRICT COURT
7	EASTERN DISTRICT OF CALIFORNIA	
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9	TRADELL M. DIXON,	1:13-cv-00165-DAD EPG (PC)
10	Plaintiff,	
11	v.	ORDER RE SETTLEMENT CONFERENCE
12	M. ARMAS, et al.,	
13	Defendants.	
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15	Plaintiff, Tradell M. Dixon, is a state prisoner proceeding pro se and in forma pauperis in	
16	this civil rights action pursuant to 42 U.S.C. § 1983. On June 25, 2018, the magistrate judge	
17	assigned to this action scheduled a settlement	conference before Magistrate Judge Sheila K.
18	Oberto at the U.S. District Court, 2500 Tulare	e Street, Fresno, California 93721 in Courtroom #7
19	on August 7, 2018, at 11:00 a.m. An order an	d writ of habeas corpus ad testificandum will issue
20	separately.	
21	In accordance with the above, IT IS H	EREBY ORDERED that:
22	1. A settlement conference is set for A	August 7, 2018, at 11:00 a.m. in Courtroom #7
23	before Magistrate Judge Sheila K.	Oberto at the U.S. District Court, 2500 Tulare
24	Street, Fresno, California 93721.	
25	2. Defendants' lead counsel and a per	rson with full and unlimited authority to negotiate
26	and enter into a binding settlement	on defendants' behalf shall attend in person ¹ .
27	¹ While the exercise of its authority is subject to abu	
28	authority to order parties, including the federal gove conferences" <u>United States v. United States Distri</u>	ernment, to participate in mandatory settlement <u>ct Court for the Northern Mariana Islands</u> , 694 F.3d 1051,

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1	3. Those in attendance must be prepared to discuss the claims, defenses and damages.	
2	The failure of any counsel, party or authorized person subject to this order to appear in	
3	person may result in the imposition of sanctions. In addition, the conference will not	
4	proceed and will be reset to another date.	
5	4. The parties are directed to submit confidential settlement statements no later than July	
6	31, 2018, to <u>skoorders@caed.uscourts.gov</u> . Plaintiff shall mail his confidential	
7	settlement statement to the Chambers of Magistrate Judge Sheila K. Oberto, USDC	
8	CAED, 2500 Tulare Street, Room 1501, Fresno, CA 93721 so it arrives no later than	
9	July 31, 2018. The envelope shall be marked "Confidential Settlement Statement." If	
10	a party desires to share additional confidential information with the Court, they may	
11	do so pursuant to the provisions of Local Rule 270(d) and (e). Parties are also directed	
12	to file a "Notice of Submission of Confidential Settlement Statement" (See L.R.	
13	270(d)).	
14	Settlement statements should not be filed with the Clerk of the Court nor served on any	
15	other party. Settlement statements shall be clearly marked "confidential" with the date and time	
16	of the settlement conference indicated prominently thereon. The confidential settlement	
17	statement shall be no longer than five pages in length, typed or neatly printed, and include the	
18	following:	
19	a. A brief statement of the facts of the case.	
20	b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon	
21	which the claims are founded; a forthright evaluation of the parties' likelihood of	
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23	1053, 1057, 1059 (9 th 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	
24	mediation conference must be authorized to fully explore settlement options and to agree at that time to any settlement terms acceptable to the parties. <u>G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.</u> , 871 F.2d 648,	
25	653 (7 th Cir. 1989), <u>cited with approval in Official Airline Guides, Inc. v. Goss</u> , 6 F.3d 1385, 1396 (9 th Cir. 1993). The individual with full authority to settle must also have "unfettered discretion and authority" to change the	
26	settlement position of the party, if appropriate. <u>Pitman v. Brinker Int'l., Inc.</u> , 216 F.R.D. 481, 485-86 (D. Ariz. 2003), <u>amended on recon. in part, Pitman v. Brinker Int'l., Inc.</u> , 2003 WL 23353478 (D. Ariz. 2003). The	
27	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. <u>Pitman</u> , 216 F.R.D. at 486. An authorization to	
28	settle for a limited dollar amount or sum certain can be found not to comply with the requirement of full authority to settle. <u>Nick v. Morgan's Foods, Inc.</u> , 270 F.3d 590, 596-97 (8 th 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: June 25, 2018 /s/ Sheila K. Oberto UNITED STATES MAGISTRATE JUDGE
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