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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF CALIFORNIA  
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8 JOSE PULIDO,

9 Plaintiff,

10 vs.

11 M. LUNES, et al.,

12 Defendants.  
13

1:14-cv-01174-DAD-EPG (PC)

ORDER SETTING SETTLEMENT  
CONFERENCE

14 Plaintiff Jose J. Pulido is appearing through counsel in this civil rights action pursuant  
15 to 42 U.S.C. § 1983. The Court determined that this case would benefit from a settlement  
16 conference and referred the case to Magistrate Judge Stanley A. Boone on September 2, 2016  
17 to conduct a settlement conference. (Doc. 81). A settlement conference was set for October 6,  
18 2016, but was subsequently vacated due to the appointment of counsel for plaintiff for the  
19 limited purpose of assisting plaintiff prepare for and participate in a settlement conference.  
20 (Doc. 83). The settlement conference will now be set to occur at the U. S. District Court, 2500  
21 Tulare Street, Fresno, California 93721 in Courtroom #9 on November 18, 2016 at 10:30 a.m.

22 A separate order and writ of habeas corpus ad testificandum will issue concurrently  
23 with this order.

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.

26 Boone on November 18, 2016, at 10:30 a.m. at the U. S. District Court, 2500 Tulare  
27 Street, Fresno, California 93721 in Courtroom #9.

28 2. A representative with full and unlimited authority to negotiate and enter into a

1 binding settlement shall attend in person.<sup>1</sup>

- 2 3. Those in attendance must be prepared to discuss the claims, defenses and damages.  
3 The failure of any counsel, party or authorized person subject to this order to appear  
4 in person may result in the imposition of sanctions. In addition, the conference will  
5 not proceed and will be reset to another date.
- 6 4. Each party shall provide a confidential settlement statement to the following email  
7 address: [saborders@caed.uscourts.gov](mailto:saborders@caed.uscourts.gov). Settlement statements shall arrive no later  
8 than November 10, 2016. Parties shall also file a Notice of Submission of  
9 Confidential Settlement Conference Statement (See Local Rule 270(d)).

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11 Settlement statements **should not be filed** with the Clerk of the Court **nor served**  
12 **on any other party**. Settlement statements shall be clearly marked “confidential”  
13 with the date and time of the settlement conference indicated prominently thereon.

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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  
19 upon which the claims are founded; a forthright evaluation of the parties’

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22 <sup>1</sup> While the exercise of its authority is subject to abuse of discretion review, “the district court  
23 has the 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 (9<sup>th</sup> 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 mediation  
27 conference must be authorized to fully explore settlement options and to agree at that time to any settlement terms  
28 acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7<sup>th</sup> Cir. 1989),  
cited with approval in Official Airline Guides, Inc. v. Goss, 6 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. 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 (8<sup>th</sup> Cir. 2001).

