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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ELAINE K. VILLAREAL,
Plaintiff,
v.
COUNTY OF FRESNO and SHERIFF
MARGARET MIMS,
Defendants.

Case No. 1:15-cv-01410-DAD-EPG (PC)

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff is proceeding through appointed counsel in this civil rights action filed pursuant to 42 U.S.C. § 1983. The Court has determined that this case will benefit from a settlement conference. Therefore, this case will be referred to Magistrate Judge Jeremy D. Peterson to conduct a settlement conference at the U. S. District Court, 2500 Tulare Street, Fresno, California, 93721, in Courtroom #6, on March 11, 2019, at 9:00 a.m.

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

1. A settlement conference has been set for March 11, 2019, at 9:00 a.m., in Courtroom #6, before Magistrate Judge Jeremy D. Peterson, at the U. S. District Court, 2500 Tulare Street, Fresno, California, 93721.
2. Defendants’ lead counsel and a person with full and unlimited authority to negotiate

1 and enter into a binding settlement on defendants' behalf shall attend in person.¹

- 2 3. Those in attendance must be prepared to discuss the claims, defenses, and damages at
3 issue in this case. The failure of any counsel, party or authorized person subject to this
4 order to appear in person may result in the imposition of sanctions. In addition, the
5 conference will not proceed and will be reset to another date.
- 6 4. Parties are directed to submit confidential settlement statements no later than March 4,
7 2019, to jdporders@caed.uscourts.gov. Parties are also directed to file a "Notice of
8 Submission of Confidential Settlement Conference Statement." (See L.R. 270(d)).
9 Settlement statements **should not be filed** with the Clerk of the Court **nor served on**
10 **any other party**. Settlement statements shall be clearly marked "confidential" with
11 the date and time of the settlement conference indicated prominently thereon.
- 12 5. The confidential settlement statement shall be **no longer than five pages** in length,
13 typed or neatly printed, and include the following:
- 14 a. A brief statement of the facts of the case.
 - 15 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon
16 which the claims are founded; a forthright evaluation of the parties' likelihood of
17 prevailing on the claims and defenses; and a description of the major issues in
18 dispute.
 - 19 c. A summary of the proceedings to date.
 - 20 d. An estimate of the cost and time to be expended for further discovery, pretrial, and

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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 conferences. . . ." United States v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th
24 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
25 to fully explore settlement options and to agree at that time to any settlement terms acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989), cited with approval in Official
26 Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9th Cir. 1993). The individual with full authority to settle must also
27 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.,
28 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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- 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 the party's expectations and goals for the settlement conference, including how much the party is willing to accept and/or willing to pay.

IT IS SO ORDERED.

Dated: December 4, 2018

/s/ Eric P. Shroy
UNITED STATES MAGISTRATE JUDGE