

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

CEDRIC EUGENE GREEN,
Plaintiff,
v.
FRANKLIN,
Defendant.

Case No.: 1:15-cv-01548-LJO-MJS (PC)

**ORDER SETTING SETTLEMENT
CONFERENCE ON MARCH 23, 2018**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action 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 Stanley A. Boone to conduct a settlement conference at the California State Prison, Corcoran (CSP-COR), 4001 King Avenue, Corcoran, CA 93212 on March 23, 2018, at 9:00 a.m. The Court will issue the necessary transportation order in due course.

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 March 23, 2018, at CSP-COR.
2. A representative with full and unlimited authority to negotiate and enter into a

1 binding settlement shall attend in person.¹

- 2 3. Those in attendance must be prepared to discuss the claims, defenses and
3 damages. 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 shall provide a confidential settlement statement to the following email
7 address: **saborders@caed.uscourts.gov**. Plaintiff shall mail his confidential
8 settlement statement to U.S. District Court, 2500 Tulare Street, Fresno, California,
9 93721, “**Attention: Magistrate Judge Stanley A. Boone.**” The envelope shall be
10 marked “Confidential Settlement Statement”. Settlement statements shall arrive no
11 later than March 16, 2018. Parties shall also file a Notice of Submission of
12 Confidential Settlement Statement (See Local Rule 270(d)). Settlement statements
13 **should not be filed** with the Clerk of the Court **nor served on any other party**.
14 Settlement statements shall be clearly marked “confidential” with the date and time
15 of the settlement conference indicated prominently thereon.
- 16 5. The confidential settlement statement shall be **no longer than five pages** in
17 length, typed or neatly printed, and include the following:
- 18 a. A brief statement of the facts of the case.

21 ¹ While the exercise of its authority is subject to abuse of discretion review, “the district court has the authority to
22 order parties, including the federal government, to participate in mandatory settlement conferences... ” United
23 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
25 conference[s].”). The term “full authority to settle” means that the individuals attending the mediation
26 conference must be authorized to fully explore settlement options and to agree at that time to any settlement
27 terms acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir.
28 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9th 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 (8th Cir. 2001).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 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. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
- d. The party's position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands.
- e. A brief statement of each party's expectations and goals for the settlement conference, including how much a party is willing to accept and/or willing to pay.

IT IS SO ORDERED.

Dated: January 23, 2018

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE