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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 REGINALD RAY YORK,) Case No.: 1:15-cv-01828-DAD-BAM (PC)
12)
13 Plaintiff,)
14)
15 v.) ORDER SETTING SETTLEMENT CONFERENCE
16)
17) Date: **November 8, 2019**
18) Time: **8:30 a.m.**
19) Place: **California State Prison, Corcoran**
20) **Before the Honorable Stanley A. Boone**
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17 Plaintiff Reginald Ray York is a state prisoner proceeding *pro se* in this civil rights action
18 pursuant to 42 U.S.C. § 1983.

19 The Court has determined that this case will benefit from a settlement conference. Therefore,
20 this case will be referred to Magistrate Judge Stanley A. Boone to conduct a settlement conference at
21 the California State Prison, Corcoran, 4001 King Avenue, Corcoran, CA 93212 on **November 8, 2019,**
22 **at 8:30 a.m.** The Court will issue the necessary transportation order in due course.

23 The parties shall each submit to Magistrate Judge Stanley A. Boone a confidential settlement
24 conference statement, as described below, to arrive at least seven days (one week) prior to the
25 conference.

26 The Court puts the parties on notice that if Plaintiff has any outstanding criminal restitution
27 obligation, fines and/or penalties, these settlement negotiations shall not be geared towards what the
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1 restitution obligation is, but what the value the of the case itself is to each side, irrespective of any
2 outstanding restitution obligation.

3 Accordingly, it is HEREBY ORDERED that:

- 4 1. This case is set for a settlement conference before Magistrate Judge Stanley A. Boone
5 on **November 8, 2019, at 8:30 a.m.**, at the California State Prison, Corcoran, located at
6 4001 King Avenue, Corcoran, CA 93212.
- 7 2. A representative with full and unlimited authority to negotiate and enter into a binding
8 settlement shall attend in person.¹
- 9 3. Those in attendance must be prepared to discuss the claims, defenses, and damages.
10 The failure or refusal of any counsel, party or authorized person subject to this order to
11 appear in person may result in the cancellation of the conference and the imposition of
12 sanctions. The manner and timing of Plaintiff's transportation to and from the
13 conference is within the discretion of CDCR.
- 14 4. Defendants shall provide a confidential settlement statement to the following email
15 address: **saborders@caed.uscourts.gov**. Plaintiff shall mail his confidential
16 settlement statement to U.S. District Court, 2500 Tulare Street, Fresno, California,
17 93721, "**Attention: Magistrate Judge Stanley A. Boone.**" The envelope shall be
18 marked "Confidential Settlement Statement". Settlement statements shall arrive no
19 later than **November 1, 2019**. Parties shall also file a Notice of Submission of

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22 ¹ While the exercise of its authority is subject to abuse of discretion review, "the district court has the authority to order
23 parties, including the federal government, to participate in mandatory settlement conferences. . . ." United States v. United
24 States District Court for the Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir. 2012)("the district court
25 has broad authority to compel participation in mandatory settlement conference[s]."). The term "full authority to settle"
26 means that the individuals attending the mediation conference must be authorized to fully explore settlement options and to
27 agree at that time to any settlement terms acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.,
28 871 F.2d 648, 653 (7th Cir. 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).

Confidential Settlement Statement. See Local Rule 270(d). Settlement statements **should not be filed** with the Clerk of the Court **nor served on any other party**.

Settlement statements shall be clearly marked “confidential” with the date and time of the settlement conference indicated prominently thereon.

5. The confidential settlement statement shall be **no longer than five pages** in length, typed or neatly printed, and include the following:
 - a. A brief statement of the facts of the case.
 - 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 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.
 - f. If the parties intend to discuss the joint settlement of any other actions or claims not in this suit, give a brief description of each action or claim as set forth above, including case number(s) if applicable.
6. The parties remain obligated to keep the Court informed of their current address at all times while the action is pending. Any change of address must be reported promptly to the Court in a separate document captioned for this case and entitled “Notice of Change of Address.” See Local Rule 182(f).

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7. A failure to follow these procedures may result in the imposition of sanctions by the court.

IT IS SO ORDERED.

Dated: September 23, 2019

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE