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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DOMINIC CARTER,
Plaintiff,
v.
H. FLORES, et al.,
Defendants.

1:17-cv-00245-DAD-EPG (PC)

ORDER SETTING SETTLEMENT
CONFERENCE ON JUNE 9, 2017, AT 8:30 A.M.

This is a civil action filed by Dominic Carter (“Plaintiff”), a state prisoner proceeding *pro se*. The Court has determined that this case will benefit from a settlement conference. Therefore, this case will be referred to a magistrate judge to conduct a settlement conference at California State Prison, Corcoran (“CSP-COR”), 4001 King Avenue, Corcoran, CA 93212 on June 9, 2017, at 8:30 a.m.

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

1. This case is set for a settlement conference before a federal magistrate judge on June 9, 2017, at 8:30 a.m., at CSP-COR.
2. A representative with full and unlimited authority to negotiate and enter into a binding settlement shall attend in person.¹

¹ While the exercise of its authority is subject to abuse of discretion review, “the district court has the 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 Cir.

- 1 3. Those in attendance must be prepared to discuss the claims, defenses and damages. The
2 failure of any counsel, party or authorized person subject to this order to appear in person
3 may result in the imposition of sanctions. In addition, the conference will not proceed and
4 will be reset to another date.
- 5 4. Defendants shall provide a confidential settlement statement to the following email
6 address: **settleconf@caed.uscourts.gov**. Plaintiff shall mail his confidential settlement
7 statement to U.S. District Court, 2500 Tulare Street, Fresno, California, 93721,
8 **“Attention: Institution Settlement Judge for June 9, 2017.”** The envelope shall be
9 marked “Confidential Settlement Statement.” Settlement statements shall arrive no later
10 than June 5, 2017. Parties shall also file a Notice of Submission of Confidential Settlement
11 Statement. Local Rule 270(d). Settlement statements **should not be filed** with the Clerk
12 of Court **nor served on any other party**. Settlement statements shall be clearly marked
13 “confidential” with the date and time of the settlement conference indicated prominently
14 thereon.
- 15 5. The confidential settlement statement shall be **no longer than five pages** in length, typed
16 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 upon
19 which the claims are founded; a forthright evaluation of the parties’ likelihood of
20 prevailing on the claims and defenses; and a description of the major issues in
21 dispute.

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23 2012)(“the district court has broad authority to compel participation in mandatory settlement conference[s].”). The term
24 “full authority to settle” means that the individuals attending the mediation conference must be authorized to fully explore
25 settlement options and to agree at that time to any settlement terms acceptable to the parties. G. Heileman Brewing Co.,
26 Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6
27 F.3d 1385, 1396 (9th Cir. 1993). The individual with full authority to settle must also have “unfettered discretion and
28 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).

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- 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: May 10, 2017

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE