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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JESSE WASHINGTON,

Plaintiff,

v.

H. GAMBOA and R. ROQUE,

Defendants.

Case No. 1:17-cv-00302-LJO-EPG (PC)

ORDER SETTING SETTLEMENT
CONFERENCE

Jesse Washington ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* with 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 Edmund F. Brennan to conduct a settlement conference at the U. S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #8 on October 17, 2019 at 10:00 a.m. The court will issue the necessary transportation order in due course.

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

1. A settlement conference has been set for October 17, 2019 at 10:00 a.m. in Courtroom #8 before Magistrate Judge Edmund F. Brennan at the U. S. District Court, 501 I Street, Sacramento, California 95814.
2. A representative with full and unlimited authority to negotiate and enter into a binding

1 settlement shall attend in person.¹

- 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 in
4 person may result in the imposition of sanctions. In addition, the conference will not
5 proceed and will be reset to another date.
- 6 4. Each party shall provide a confidential settlement statement to chambers seven (7)
7 days prior to the settlement conference. Statements may be e-mailed to
8 efborders@caed.uscourts.gov. Plaintiff shall mail his confidential settlement
9 statement Attn: Magistrate Judge Edmund F. Brennan, USDC CAED, 501 I Street,
10 Suite 4-200, Sacramento, California 95814 so it arrives no later than seven (7) days
11 prior to the settlement conference. The envelope shall be marked “CONFIDENTIAL
12 SETTLEMENT STATEMENT.” Such statements are neither to be filed with the
13 Clerk nor served on opposing counsel. However, each party shall file a one page
14 document entitled Notice of Submission of Confidential Settlement Conference
15 Statement (See Local Rule 270(d)). Settlement statements shall be clearly marked
16 “confidential” with the date and time of the settlement conference indicated
17 prominently thereon. The parties may agree, or not, to serve each other with the
18 settlement statements. Each party is reminded of the requirement that it be
19 represented in person at the settlement conference by a person able to dispose of the
20 case or fully authorized to settle the matter at the settlement conference on any terms.

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

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See L.R. 270.

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. A summary of the proceedings to date.
- d. An estimate of the cost and time to be expended for further discovery, pretrial, and 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 each party's expectations and goals for the settlement conference, including how much a party is willing to accept and/or willing to pay.
- h. 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.

IT IS SO ORDERED.

Dated: August 23, 2019

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE