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

MELVIN RAY BRUMMETT, JR.,
Plaintiff,
v.
J. RIVERO,
Defendant.

Case No.: 1:17-cv-00639-SAB (PC)

ORDER SETTING SETTLEMENT
CONFERENCE ON SEPTEMBER 18, 2017

Plaintiff Melvin Ray Brummett, Jr. is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. As set forth in the screening order, Plaintiff has stated a potentially cognizable civil rights claim. Thus, the Court will stay this action to allow the parties to investigate Plaintiff's claims, meet and confer, and then participate in an early settlement conference. Therefore, this case will be referred to Magistrate Judge Barbara A. McAuliffe to conduct a settlement conference at the California State Prison, Corcoran (CSP-COR), 4001 King Avenue, Corcoran, CA 93212 on September 18, 2017, at 8:30 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 action is stayed until **September 18, 2017**, to allow the parties an opportunity to settle their dispute before a responsive pleading is filed, or the discovery process begins. Except as provided herein or by subsequent court order, no other pleadings or

1 other documents may be filed in this case during the stay of this action. The parties
2 shall not engage in formal discovery, but the parties may elect to engage in informal
3 discovery.

4 2. This case is set for a settlement conference before Magistrate Judge Barbara A.
5 McAuliffe on **September 18, 2017**, at CSP-COR.

6 3. A representative with full and unlimited authority to negotiate and enter into a binding
7 settlement shall attend in person.¹

8 4. Those in attendance must be prepared to discuss the claims, defenses and damages.
9 The failure of any counsel, party or authorized person subject to this order to appear in
10 person may result in the imposition of sanctions. In addition, the conference will not
11 proceed and will be reset to another date.

12 5. Defendants shall provide a confidential settlement statement to the following email
13 address: **bamorders@caed.uscourts.gov**. Plaintiff shall mail his confidential
14 settlement statement to U.S. District Court, 2500 Tulare Street, Fresno, California,
15 93721, "**Attention: Magistrate Judge Barbara A. McAuliffe.**" The envelope shall
16 be marked "Confidential Settlement Statement". Settlement statements shall arrive no
17 later than **September 11, 2017**. Parties shall also file a Notice of Submission of
18 Confidential Settlement Statement (See Local Rule 270(d)). Settlement statements
19

20 ¹ While the exercise of its authority is subject to abuse of discretion review, "the district court has the
21 authority to order parties, including the federal government, to participate in mandatory settlement
22 conferences. . . ." United States v. United States District Court for the Northern Mariana Islands, 694
23 F.3d 1051, 1053, 1057, 1059 (9th Cir. 2012)("the district court has broad authority to compel
24 participation in mandatory settlement conference[s]"). The term "full authority to settle" means that
25 the individuals attending the mediation conference must be authorized to fully explore settlement
26 options and to agree at that time to any settlement terms acceptable to the parties. G. Heileman
27 Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989), cited with approval in
28 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).

