1		
2		
3		
4		
5		
6		
7	UNITED STAT	ES DISTRICT COURT
8	EASTERN DIST	RICT OF CALIFORNIA
9		
10	JERRY LEE KING,	Case No. 1:17-cv-00676-AWI-EPG (PC)
11	Plaintiff,	
12	v.	ORDER SETTING SETTLEMENT CONFERENCE
13	R. VILLEGAS and P. CRUZ,	CONFERENCE
14	Defendants.	
15		
16	Jerry King ("Plaintiff") is a state prise	oner proceeding pro se and in forma pauperis in this
17	civil rights action filed pursuant to 42 U.S.C.	§ 1983. The Court has determined that this case
18	will benefit from a settlement conference. The	nerefore, this case will be referred to Magistrate
19	Judge Barbara A. McAuliffe to conduct a set	tlement conference at the U.S. District Court, 2500
20	Tulare Street, Fresno, California, 93721, in C	Courtroom #8, on January 17, 2019, at 9:30 a.m.
21	The Court will issue the necessary tra	nsportation order in due course.
22	In accordance with the above, IT IS H	IEREBY ORDERED that:
23	1. A settlement conference is set for	January 17, 2019, at 9:30 a.m., in Courtroom #8,
24	before Magistrate Judge Barbara	A. McAuliffe at the U. S. District Court, 2500 Tulare
25	Street, Fresno, California, 93721.	
26	2. A representative with full and unl	imited authority to negotiate and enter into a binding
27		
28		1

1		settlement shall attend in person. ¹
2	3.	Those in attendance must be prepared to discuss the claims, defenses, and damages at
3		issue in this case. The failure of any counsel, party, or authorized person subject to
4		this order to appear in person may result in the imposition of sanctions. In addition,
5		the conference will not proceed and will be reset to another date.
6	4.	Each party shall provide a confidential settlement statement to the following email
7		address: bamorders@caed.uscourts.gov. Plaintiff shall mail his confidential
8		settlement statement to U.S. District Court, 2500 Tulare Street, Fresno, California,
9		93721, Attn: Magistrate Judge Barbara A. McAuliffe. The envelope shall be marked
10		"Confidential Settlement Statement." Settlement statements shall arrive no later than
11		January 10, 2019. Parties shall also file a Notice of Submission of Confidential
12		Settlement Conference 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 of
15		the settlement conference indicated prominently thereon.
16	5.	The confidential settlement statement shall be no longer than five pages in length,
17		typed or neatly printed, and include the following:
18		a. A brief statement of the facts of the case.
19		b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon
20		which the claims are founded; a forthright evaluation of the parties' likelihood of
21		while the exercise of its authority is subject to abuse of discretion review, "the district court has the
22	authority to	order parties, including the federal government, to participate in mandatory settlement conferences" s v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9 th)
23	Cir. 2012)("	the district court has broad authority to compel participation in mandatory settlement conference[s]."). all authority to settle" means that the individuals attending the mediation conference must be authorized
24	to fully expl	ore settlement options and to agree at that time to any settlement terms acceptable to the parties. <u>G.</u> rewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7 th Cir. 1989), <u>cited with approval in Official</u>
25	Airline Guid	les, Inc. v. Goss, 6 F.3d 1385, 1396 (9 th Cir. 1993). The individual with full authority to settle must also ered discretion and authority" to change the settlement position of the party, if appropriate. <u>Pitman v.</u>
26	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	
27	authority is	that the parties' view of the case may be altered during the face to face conference. <u>Pitman</u> , 216 F.R.D. authorization to settle for a limited dollar amount or sum certain can be found not to comply with the
28	requirement	of full authority to settle. <u>Nick v. Morgan's Foods, Inc.</u> , 270 F.3d 590, 596-97 (8 th Cir. 2001). 2
	1	—

1	prevailing on the claims and defenses; and a description of the major issues in
2	dispute.
3	c. An estimate of the cost and time to be expended for further discovery, pretrial, and
4	trial.
5	d. The party's position on settlement, including present demands and offers and a
6	history of past settlement discussions, offers, and demands.
7	e. A brief statement of the party's expectations and goals for the settlement
8	conference, including how much the party is willing to accept and/or willing to
9	pay.
10	f. If the parties intend to discuss the joint settlement of any other actions or claims
11	not in this suit, give a brief description of each action or claim as set forth above,
12	including case number(s) if applicable.
13	IT IS SO ORDERED.
14	
15	Dated: September 18, 2018 /s/ Enci P. Group
16	UNITED STATES MAGISTRATE JUDGE
16 17	UNITED STATES MAGISTRATE JUDGE
	UNITED STATES MAGISTRATE JUDGE
17	UNITED STATES MAGISTRATE JUDGE
17 18 19 20	UNITED STATES MAGISTRATE JUDGE
17 18 19 20 21	UNITED STATES MAGISTRATE JUDGE
17 18 19 20 21 22	UNITED STATES MAGISTRATE JUDGE
17 18 19 20 21 22 23	UNITED STATES MAGISTRATE JUDGE
 17 18 19 20 21 22 23 24 	UNITED STATES MAGISTRATE JUDGE
 17 18 19 20 21 22 23 24 25 	UNITED STATES MAGISTRATE JUDGE
 17 18 19 20 21 22 23 24 25 26 	UNITED STATES MAGISTRATE JUDGE
 17 18 19 20 21 22 23 24 25 26 27 	UNITED STATES MAGISTRATE JUDGE
 17 18 19 20 21 22 23 24 25 26 	UNITED STATES MAGISTRATE JUDGE