1			
2			
3			
4			
5			
6			
7			
8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTR	RICT OF CALIFORNIA	
10			
11	EDWINA DOTSON,	Case No. 1:17-cv-01199-AWI-BAM (PC)	
12	Plaintiff,		
13	V.	ORDER SETTING SETTLEMENT CONFERENCE	
14	CALIFORNIA DEPARTMENT OF CORRECTIONS AND	CONTERENCE	
15	REHABILITATION, et al.,		
16	Defendants.		
17			
18	Plaintiff Edwina Dotson ("Plaintiff") is a former state prisoner proceeding through		
19	counsel in this civil rights action pursuant to 42 U.S.C. § 1983. The court has determined that		
20	this case will benefit from a settlement conference. Therefore, this case will be referred to		
21	Magistrate Judge Carolyn K. Delaney to cond	uct a settlement conference at the U.S. District	
22	Court, 501 I Street, Sacramento, California 95	814 in Courtroom #24 on May 6, 2019 at 9:30 a.m.	
23	In accordance with the above, IT IS HI	EREBY ORDERED that:	
24	1. This case is set for a settlement cor	nference before Magistrate Judge Carolyn K.	
25	Delaney on May 6, 2019 at 9:30 a	.m. in Courtroom #24 at the U. S. District Court,	
26	501 I Street, Sacramento, Californi	a 95814.	
27	2. Parties are instructed to have a prin	cipal with full settlement authority present at the	
28		1	

I

1	Settlement Conference or to be fully authorized to settle the matter on any terms. The	
2	individual with full authority to settle must also have "unfettered discretion and	
3	authority" to change the settlement position of the party, if appropriate. The purpose	
4	behind requiring the attendance of a person with full settlement authority is that the	
5	parties' view of the case may be altered during the face to face conference. An	
6	authorization to settle for a limited dollar amount or sum certain can be found not to	
7	comply with the requirement of full authority to settle <sup>1</sup> .	
8	3. Parties are directed to submit confidential settlement statements no later than April 29,	
9	2019 to <u>ckdorders@caed.uscourts.gov</u> . Parties are also directed to file a "Notice of	
10	Submission of Confidential Settlement Statement" (See L.R. 270(d)).	
11		
12	Settlement statements should not be filed with the Clerk of the Court nor served on	
13	any other party. Settlement statements shall be clearly marked "confidential" with	
14	the date and time of the settlement conference indicated prominently thereon.	
15		
16	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		
21	<sup>1</sup> 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	
22	conferences" <u>United States v. United States District Court for the Northern Mariana Islands</u> , 694 F.3d 1051, 1053, 1057, 1059 (9 <sup>th</sup> Cir. 2012)("the district court has broad authority to compel participation in mandatory	
23	settlement conference[s]."). The term "full authority to settle" means that the individuals attending the mediation conference must be authorized to fully explore settlement options and to agree at that time to any	
24	settlement terms acceptable to the parties. <u>G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.</u> , 871 F.2d 648, 653 (7 <sup>th</sup> Cir. 1989), <u>cited with approval in Official Airline Guides, Inc. v. Goss</u> , 6 F.3d 1385, 1396 (9 <sup>th</sup> Cir. 1993).	
25	The individual with full authority to settle must also have "unfettered discretion and authority" to change the settlement position of the party, if appropriate. <u>Pitman v. Brinker Int'l., Inc.</u> , 216 F.R.D. 481, 485-86 (D. Ariz.	
26	2003), <u>amended on recon. in part</u> , <u>Pitman v. Brinker Int'l., Inc.</u> , 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	
27	the case may be altered during the face to face conference. <u>Pitman</u> , 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	
28	authority to settle. <u>Nick v. Morgan's Foods, Inc.</u> , 270 F.3d 590, 596-97 (8 <sup>th</sup> Cir. 2001). <b>2</b>	

1		which the claims are founded; a forthright evaluation of the parties' likelihood of
2		prevailing on the claims and defenses; and a description of the major issues in
3		dispute.
4	c	A summary of the proceedings to date.
5	d.	An estimate of the cost and time to be expended for further discovery, pretrial, and
6		trial.
7	e.	The relief sought.
8	f.	The party's position on settlement, including present demands and offers and a
9		history of past settlement discussions, offers, and demands.
10	g.	A brief statement of each party's expectations and goals for the settlement
11		conference, including how much a party is willing to accept and/or willing to pay.
12		
13	IT IS SO ORDERED.	
14	Dated: <u>N</u>	March 28, 2019 /s/ Barbara A. McAuliffe
15		UNITED STATES MAGISTRATE JUDGE
16		
17		
18		
19		
20		
-		
21		
21		
21 22		
21 22 23		
21 22 23 24		
21 22 23 24 25		
21 22 23 24 25 26		3