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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JASON HARPER,  
Plaintiff,  
v.  
JEFF BLAZO,  
Defendant.

Case No. 1:17-cv-01717-LJO-EPG (PC)  
  
ORDER SETTING SETTLEMENT  
CONFERENCE ON NOVEMBER 8, 2019

Jason Harper (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The Court has determined that this case will benefit from a second 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 November 8, 2019, 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 case is set for a settlement conference before a federal Magistrate Judge on November 8, 2019, at CSP-COR.
2. A representative with full and unlimited authority to negotiate and enter into a binding

1 settlement shall attend in person.<sup>1</sup>

- 2 3. Those in attendance must be prepared to discuss the claims, defenses, and damages at issue  
3 in this case. The failure of any counsel, party or authorized person subject to this order to  
4 appear in person may result in the imposition of sanctions. In addition, the conference will  
5 not proceed and will be reset to another date.
- 6 4. Defendant shall provide a confidential settlement statement to the following email address:  
7 **settleconf@caed.uscourts.gov**. Plaintiff shall mail his confidential settlement statement to  
8 U.S. District Court, 2500 Tulare Street, Fresno, California, 93721, **“Attention: Institution  
9 Settlement Judge for November 8, 2019.”** The envelope shall be marked “Confidential  
10 Settlement Statement.” Settlement statements shall arrive no later than November 1, 2019.  
11 Parties shall also file a Notice of Submission of Confidential Settlement Conference  
12 Statement (see Local Rule 270(d)). Settlement statements **should not be filed** with the  
13 Clerk of Court **nor served on any other party**. Settlement statements shall be clearly  
14 marked “confidential” with the date and time of the settlement conference indicated  
15 prominently thereon.
- 16 5. The confidential settlement statement shall be **no longer than five pages** in length, typed  
17 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

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22 <sup>1</sup> 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 v.  
24 United States District Court for the Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9<sup>th</sup> Cir. 2012) (“the  
25 district court has broad authority to compel participation in mandatory settlement conference[s].”). The term “full  
26 authority to settle” means that the individuals attending the mediation conference must be authorized to fully explore  
27 settlement options and to agree at that time to any settlement terms acceptable to the parties. G. Heileman Brewing Co.,  
28 Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7<sup>th</sup> Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6  
F.3d 1385, 1396 (9<sup>th</sup> 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 (8<sup>th</sup> Cir. 2001).

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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. 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 the party's expectations and goals for the settlement conference, including how much a party is willing to accept and/or willing to pay.
- f. 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: September 6, 2019

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE