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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES JAMES CHATMAN,

Plaintiff,

No. CIV S-03-2415 JAM CKD P

vs.

T. FELKER, et al.,

ORDER SETTING

Defendants.

SETTLEMENT CONFERENCE

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action under 42 U.S.C. § 1983. The court has determined this case would benefit from inclusion in the court's prisoner settlement program. Therefore, this case will be referred to Magistrate Judge Craig M. Kellison to conduct a settlement conference at High Desert State Prison, 475-750 Rice Canyon Road, Susanville, California 96127 on June 12, 2012 at 2:00 p.m. The trial will be re-set to commence on August 27, 2012.

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

1. This case is set for a settlement conference before Magistrate Judge Craig M. Kellison on June 12, 2012, at 2:00 p.m. at High Desert State Prison, 475-750 Rice Canyon Road, Susanville, California 96127.

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1 2. Defendants' lead counsel and a person with full and unlimited authority to
2 negotiate and enter into a binding settlement on defendants' behalf shall attend in person.¹

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

7 4. Each party shall provide a confidential settlement conference statement to
8 Sujean Park, 501 I Street, Suite 4-200, Sacramento, California 95814, or via e-mail at
9 spark@caed.uscourts.gov, so they arrive no later than June 4, 2012, and file a Notice of
10 Submission of Confidential Settlement Conference Statement (See Local Rule 270(d)).

11 Settlement statements **should not be filed** with the Clerk of the court **nor served**
12 **on any other party**. Settlement statements shall be clearly marked "confidential" with the date
13 and time of the settlement conference indicated prominently thereon.

14 The confidential settlement statement shall be **no longer than five pages** in
15 length, typed or neatly printed, and include the following:

- 16 a. A brief statement of the facts of the case.
- 17 b. A brief statement of the claims and defenses, i.e., statutory or other
18 grounds upon which the claims are founded; a forthright evaluation of the parties' likelihood of
19

20 ¹The term "full authority to settle" means that the individuals attending the mediation
21 conference must be authorized to fully explore settlement options and to agree at that time to any
22 settlement terms acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.,
23 871 F.2d 648, 653 (7th Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6
24 F. 3d 1385, 1396 (9th Cir. 1993). The individual with full authority to settle must also have
25 "unfettered discretion and authority" to change the settlement position of the party, if appropriate.
26 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).

1 prevailing on the claims and defenses; and a description of the major issues in dispute.

2 c. A summary of the proceedings to date.

3 d. An estimate of the cost and time to be expended for further discovery,
4 pretrial, and trial.

5 e. The relief sought.

6 f. The party's position on settlement, including present demands and
7 offers and a history of past settlement discussions, offers, and demands.

8 g. A brief statement of each party's expectations and goals for the
9 settlement conference.

10 5. The Clerk of the Court is directed to serve a copy of this order on the Litigation
11 Office at High Desert State Prison via facsimile at (530) 251-5031.

12 6. If attempts to settle this case are unsuccessful, trial will commence on August
13 27, 2012, at 9:00 a.m. in Courtroom 6 of the Robert T. Matsui Federal Courthouse, 501 I St.,
14 Sacramento, California.

15 Dated: April 3, 2012

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17 CAROLYN K. DELANEY
18 UNITED STATES MAGISTRATE JUDGE
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