

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

REX CHAPPELL,  
  
Plaintiff,  
  
v.  
  
C.K. PLILER, et al.,  
  
Defendants.

No. 2:04-cv-1183 TLN DB P

ORDER SETTING  
SETTLEMENT CONFERENCE

Plaintiff is a former state prisoner proceeding through counsel in an action brought under 42 U.S.C. § 1983. The court has determined that this case will benefit from a settlement conference. Therefore, this case will be referred to Magistrate Judge Allison Claire to conduct a settlement conference at the U.S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #26 on January 18, 2018 at 9:00 a.m.

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

1. This case is set for a settlement conference before Magistrate Judge Allison Claire on January 18, 2018 at 9:00 a.m. at the U.S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #26.

///  
///

1                   2. A representative with full and unlimited authority to negotiate and enter into a  
2 binding settlement on defendants’ behalf shall attend in person.<sup>1</sup>

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 and  
6 will be reset to another date.

7                   4. Each party shall provide a confidential settlement conference statement to the  
8 Court using the following email address: acorders@caed.uscourts.gov. Statements are due at  
9 least 7 days prior to the settlement conference.

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

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

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


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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

the parties' likelihood of prevailing on the claims and defenses; and a description of the major issues in dispute.

- c. A summary of the proceedings to date.
- d. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
- e. The relief sought.
- f. The party's position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands.
- g. A brief statement of each party's expectations and goals for the settlement conference.

Dated: October 13, 2017

  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

SP/DLB:9  
DB/orders.prisoner-civil rights/chap1183.sett conf