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

KEVIN BARTHOLOMEW,

Plaintiff,

No. 2:08-cv-3058 KJM CKD P

vs.

TERRY MOORE, et al.,

ORDER SETTING

Defendants.

SETTLEMENT CONFERENCE

_____/

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. The court has determined this case would benefit from inclusion in the court’s prisoner case settlement program. This case will be referred to Magistrate Judge Nandor J. Vadas to conduct a settlement conference at California State Prison-Solano (CSP-SOL), on July 13, 2012 at 11:00 a.m.

Accordingly, IT IS HEREBY ORDERED that:

1. This case is set for a settlement conference on July 13, 2012, at 11:00 a.m. at CSP-SOL, 2100 Peabody Road, Vacaville, California 95696.
2. Defendants’ lead counsel and a person with full and unlimited authority to negotiate and enter into a binding settlement on defendants’ behalf shall attend in person.¹

¹ 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 settlement terms acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6

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

5 4. The parties are directed to provide confidential settlement conference
6 statements to the Honorable Nandor J. Vadas, U.S. District Court-Northern District of California,
7 514 H Street, Eureka, CA 95502 or via email at NJVpo@cand.uscourts.gov, so that they arrive
8 no later than June 29, 2012 and file a Notice of Submission of Confidential Settlement
9 Conference Statement (See Local Rule 270(d)).

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
14 length, 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 the parties’ likelihood of
18 prevailing on the claims and defenses; and a description of the major issues in dispute.

19 c. A summary of the proceedings to date.

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22 F. 3d 1385, 1396 (9th Cir. 1993). The individual with full authority to settle must also have
23 “unfettered discretion and authority” to change the settlement position of the party, if appropriate.
24 Pittman v. Brinker Int’l, Inc., 216 F.R.D. 481, 485-86 (D. Ariz. 2003), amended on recon. in
25 part, Pittman v. Brinker Int’l, Inc., 2003 WL 23353478 (D. Ariz. 2003). The purpose behind
26 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 d. An estimate of the cost and time to be expended for further discovery,
2 pretrial, and trial.

3 e. The relief sought.

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

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

8 5. The Clerk of the Court is directed to serve a copy of this order on the Litigation
9 Office at CSP-SOL at (707) 454-3429.

10 Dated: June 7, 2012

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12 CAROLYN K. DELANEY
13 UNITED STATES MAGISTRATE JUDGE

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