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 7 UNITED STATES DISTRICT COURT
 8 FOR THE EASTERN DISTRICT OF CALIFORNIA
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10 DAVID SMITH,

11 Plaintiff,

12 v.

13 KIESZ, et al.,

14 Defendants.

No. 2:11-cv-1918 JAM CKD P

ORDER SETTING SETTLEMENT
CONFERENCE

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 16 Plaintiff is a former state prisoner proceeding pro se with a civil rights action pursuant to
 17 42 U.S.C. § 1983. The court has determined that this case will benefit from a settlement
 18 conference. Therefore, this case will be referred to Magistrate Judge Dale A. Drozd to conduct a
 19 settlement conference at the U.S. District Court, 501 I Street, Sacramento, California 95814 in
 20 Courtroom #27 on June 26, 2014 at 10:00 a.m.

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

- 22 1. This case is set for a settlement conference before Magistrate Judge Dale A. Drozd on
 23 June 26, 2014 at 10:00 a.m. at the U. S. District Court, 501 I Street, Sacramento,
 24 California 95814 in Courtroom #27.
- 25 2. A representative with full and unlimited authority to negotiate and enter into a binding
 26 settlement shall attend in person.¹

27 ¹ While the exercise of its authority is subject to abuse of discretion review, "the district court has the
 28 authority to order parties, including the federal government, to participate in mandatory settlement
 conferences... ." United States v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051,

1 3. Those in attendance must be prepared to discuss the claims, defenses and damages.
2 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
4 proceed and will be reset to another date.

5 4. Each party shall provide a confidential settlement statement to Sujean Park, ADR
6 Division, 501 I Street, Suite 4-200, Sacramento, California 95814, or by email to
7 spark@caed.uscourts.gov so they arrive no later than June 12, 2014 and file a Notice
8 of Submission of Confidential Settlement Statement (See L.R. 270(d)). Settlement
9 statements **should not be filed** with the Clerk of the court **nor served on any other**
10 **party**. Settlement statements shall be clearly marked “confidential” with the date and
11 time of the settlement conference indicated prominently thereon. The confidential
12 settlement statement shall be **no longer than five pages** in length, typed or neatly
13 printed, and include the following:

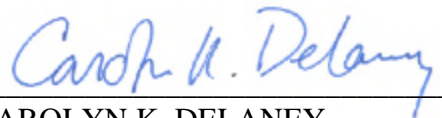
- 14 a. A brief statement of the facts of the case.
- 15 b. A brief statement of the claims and defenses, i.e., statutory or other grounds
16 upon which the claims are founded; a forthright evaluation of the parties’
17 likelihood of prevailing on the claims and defenses; and a description of the
18 major issues in dispute.
- 19 c. A summary of the proceedings to date.
- 20 d. An estimate of the cost and time to be expended for further discovery, pretrial,
21 and trial.

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23 1053, 1057, 1059 (9th Cir. 2012)(“the district court has broad authority to compel participation in mandatory
24 settlement conference[s].”). The term “full authority to settle” means that the individuals attending the
25 mediation conference must be authorized to fully explore settlement options and to agree at that time to any
26 settlement terms acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648,
27 653 (7th Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9th Cir. 1993).
28 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 (8th Cir. 2001).

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- 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: March 28, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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