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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT MASSIE,  
  
  Plaintiff,  
  
  v.  
  
ARIK AMAYA, et al.,  
  
  Defendants.

No. 2:12-cv-0525 KJN P

ORDER SETTING SETTLEMENT  
CONFERENCE

Plaintiff is a state prisoner proceeding without counsel in this civil rights action pursuant to 42 U.S.C. § 1983. The court has determined that this case would benefit from a settlement conference; therefore, this case will be referred to Magistrate Judge Craig M. Kellison for a settlement conference at the U. S. District Court, 2986 Bechelli Lane, Redding, California 96002 in Courtroom #304 on August 13, 2014, at 10:00 a.m.

A separate writ of habeas corpus ad testificandum will issue concurrently with this order.

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 August 13, 2014, at 10:00 a.m., at the U. S. District Court, 2986 Bechelli Lane, Redding, California 96002 in Courtroom #304.

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1           2. Plaintiff will appear at the settlement conference by video conference, from North Fork  
2 Correctional Facility, as directed by separate order.

3           3. A representative with full and unlimited authority to negotiate and enter into a binding  
4 settlement shall attend in person.<sup>1</sup>

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

9           5. Each party shall provide a confidential settlement statement to Sujean Park, ADR  
10 Division, 501 I Street, Suite 4-200, Sacramento, California 95814, or by email to  
11 [spark@caed.uscourts.gov](mailto:spark@caed.uscourts.gov) so they arrive no later than July 30, 2014 and file a Notice of  
12 Submission of Confidential Settlement Statement (See L.R. 270(d)).

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

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18 <sup>1</sup> While the exercise of its authority is subject to abuse of discretion review, “the district  
19 court has the authority to order parties, including the federal government, to participate in  
20 mandatory settlement conferences... .” United States v. United States District Court for the  
21 Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir. 2012)(“the district  
22 court has broad authority to compel participation in mandatory settlement conference[s].”).  
23 The term “full authority to settle” means that the individuals attending the mediation  
24 conference must be authorized to fully explore settlement options and to agree at that time  
25 to any settlement terms acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph  
26 Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989), cited with approval in Official Airline Guides,  
27 Inc. v. Goss, 6 F.3d 1385, 1396 (9th Cir. 1993). The individual with full authority to settle  
28 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).

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

- 3 a. A brief statement of the facts of the case.
- 4 b. A brief statement of the claims and defenses, i.e., statutory or other grounds  
5 upon which the claims are founded; a forthright evaluation of the parties'  
6 likelihood of prevailing on the claims and defenses; and a description of the  
7 major issues in dispute.
- 8 c. A summary of the proceedings to date.
- 9 d. An estimate of the cost and time to be expended for further discovery, pretrial,  
10 and trial.
- 11 e. The relief sought.
- 12 f. The party's position on settlement, including present demands and offers and a  
13 history of past settlement discussions, offers, and demands.
- 14 g. A brief statement of each party's expectations and goals for the settlement  
15 conference.

16 Dated: June 27, 2014

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE