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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CIRON B. SPRINGFIELD,  
Plaintiff,  
v.  
VISMAL J. SINGH, et al.,  
Defendants.

No. 2:12-cv-2552 KJM AC P

ORDER SETTING SETTLEMENT  
CONFERENCE

Plaintiff is a state prisoner, proceeding through appointed counsel, with a civil rights action pursuant to 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 Carolyn K. Delaney to conduct a settlement conference at the U. S. District Court, 501 I Street, Sacramento, California 95814, in Courtroom #24 on April 14, 2017 at 9:30 a.m.

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

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

1. A settlement conference is set for April 14, 2017, at 9:30 a.m., in Courtroom #24, before Magistrate Judge Carolyn K. Delaney at the U. S. District Court, 501 I Street, Sacramento, California 95814.

1           2. The parties are instructed to have a principal with full settlement authority present at  
2           the Settlement Conference or to be fully authorized to settle the matter on any terms.  
3           The individual with full authority to settle must also have “unfettered discretion and  
4           authority” to change the settlement position of the party, if appropriate. The purpose  
5           behind requiring the attendance of a person with full settlement authority is that the  
6           parties’ view of the case may be altered during the face-to-face conference. An  
7           authorization to settle for a limited dollar amount or sum certain can be found not to  
8           comply with the requirement of full authority to settle<sup>1</sup>.

9           3. Each party shall provide a Confidential Settlement Statement to the following email  
10          address: [ckdorders@caed.uscourts.gov](mailto:ckdorders@caed.uscourts.gov) not later than April 7, 2017. If a party desires  
11          to share additional confidential information with the Court, he may do so pursuant to  
12          the provisions of Local Rule 270(d) and (e). Parties are also directed to file a “Notice  
13          of Submission of Confidential Settlement Statement” (See L.R. 270(d)).

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

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

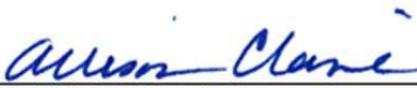
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Each Confidential Settlement Statement shall be **no longer than five pages** in length, typed or neatly printed, and include the following:

- a. A brief statement of the facts of the case.
  - b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon which the claims are founded; a forthright evaluation of 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.
4. Any questions concerning the settlement conference should be directed to Sujean Park at 916- 930-4278.

SO ORDERED.

DATED: March 2, 2017

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE