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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH JOHNSON,

Plaintiff,

v.

E. SANDY, et al.,

Defendants.

No. 2:12-cv-2922 JAM AC P

ORDER SETTING SETTLEMENT
CONFERENCE ON JUNE 9, 2017

Plaintiff Joseph Johnson is appearing pro se and in forma pauperis in this 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 a Magistrate Judge to conduct a settlement conference at the California State Prison, Corcoran (CSP-COR), 4001 King Avenue, Corcoran, CA 93212, on June 9, 2017, at 8:30 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. This case is set for a settlement conference before a federal Magistrate Judge on June 9, 2017, at 8:30 a.m. at CSP-COR.

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1 2. A representative with full and unlimited authority to negotiate and enter into a binding
2 settlement shall attend in person.¹

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

7 4. Defendants shall provide a confidential settlement statement to the following email
8 address: **settleconf@caed.uscourts.gov**. Plaintiff shall mail his confidential settlement statement to
9 **U.S. District Court, 2500 Tulare Street, Fresno, California, 93721, “Attention: Institution**
10 **Settlement Judge for June 9, 2017.”** The envelope shall be marked “Confidential Settlement
11 Statement.” Settlement statements shall arrive no later than June 2, 2017. Parties shall also file a
12 Notice of Submission of Confidential Settlement Conference Statement. L.R. 270(d). Settlement
13 statements **should not be filed** with the Clerk of the Court **nor served on any other party**. Settlement
14 statements shall be clearly marked “confidential” with the date and time of the settlement conference
15 indicated prominently thereon.


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

18
19 _____
20 ¹ 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 Dist. Court for the N. Mariana Islands, 694 F.3d
23 1051, 1053, 1057, 1059 (9th Cir. 2012) (“the district court has broad authority to compel participation
24 in mandatory settlement conference[s].”). The term “full authority to settle” means that the
25 individuals attending the mediation conference must be authorized to fully explore settlement options
26 and to agree at that time to any settlement terms acceptable to the parties. G. Heileman Brewing Co.
27 v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989), cited with approval in Official Airline Guides,
28 Inc. v. Goss, 6 F.3d 1385, 1396 (9th 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 (8th Cir. 2001).

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- 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. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
- d. The party's position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands.
- e. A brief statement of each party's expectations and goals for the settlement conference, including how much a party is willing to accept and/or willing to pay.

DATED: May 10, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE