UNITED STAT	ES DISTRICT COURT
FOR THE EASTERN	DISTRICT OF CALIFORNIA
HENRY A. JONES,	No. 2:13-cv-0451 WBS AC P
Plaintiff,	
v.	ORDER SETTING SETTLEMENT CONFERENCE
P. KUPPINGER, et al.,	
Defendants.	
Plaintiff Henry Jones is a state prison	er proceeding pro se with this civil rights action filed
pursuant to 42 U.S.C. § 1983. The court has	determined that this case will benefit from a
settlement conference. Therefore, this case v	vill be referred to United States Magistrate Judge
Carolyn K. Delaney to conduct a settlement of	conference at the U.S. District Court, 501 I Street,
Sacramento, California 95814 in Courtroom	#24 on January 9, 2018 at 9:30 a.m.
A separate order and writ of habeas c	orpus ad testificandum will issue concurrently with
this order	
In accordance with the above, IT IS F	IEREBY ORDERED that:
In accordance with the above, IT IS F	IEREBY ORDERED that: January 9, 2018 at 9:30 a.m. in Courtroom #24
In accordance with the above, IT IS F 1. A settlement conference is set for	
In accordance with the above, IT IS F 1. A settlement conference is set for	January 9, 2018 at 9:30 a.m. in Courtroom #24 udge Carolyn K. Delaney at the U. S. District Court,
In accordance with the above, IT IS F 1. A settlement conference is set for before United States Magistrate Ju	January 9, 2018 at 9:30 a.m. in Courtroom #24 udge Carolyn K. Delaney at the U. S. District Court,
	FOR THE EASTERN HENRY A. JONES, Plaintiff, v. P. KUPPINGER, et al., Defendants. Plaintiff Henry Jones is a state prison pursuant to 42 U.S.C. § 1983. The court has settlement conference. Therefore, this case v Carolyn K. Delaney to conduct a settlement of Sacramento, California 95814 in Courtroom

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: <u>ckdorders@caed.uscourts.gov</u> not later than <b>January 2, 2018</b> . Plaintiff shall
11		mail his confidential settlement statement to: Attn: Magistrate Judge Carolyn K.
12		Delaney, USDC CAED, 501 I Street, Suite 4-200, Sacramento, California 95814, to
13		arrive no later than January 2, 2018. The envelope shall be marked
14		"CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT." Parties are also
15		directed to file a "Notice of Submission of Confidential Settlement Statement" (See
16		L.R. 270(d)).
17		Settlement statements should not be filed with the Clerk of the Court nor served on
18		any other party. Settlement statements shall be clearly marked "confidential" with
19		the date and time of the settlement conference indicated prominently thereon.
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21		exercise of its authority is subject to abuse of discretion review, "the district court has the order parties, including the federal government, to participate in mandatory settlement
22	conference	s
23	settlement conference[s]."). 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. <u>G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.</u> , 871 F.2d 648, 653 (7 <sup>th</sup> Cir. 1989), <u>cited with approval in Official Airline Guides, Inc. v. Goss</u> , 6 F.3d 1385, 1396 (9 <sup>th</sup> Cir. 1993).	
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25	The individ	ual with full authority to settle must also have "unfettered discretion and authority" to change the position of the party, if appropriate. <u>Pitman v. Brinker Int'l., Inc.</u> , 216 F.R.D. 481, 485-86 (D. Ariz.
26	2003), <u>ame</u>	<u>nded on recon. in part, Pitman v. Brinker Int'l., Inc.</u> , 2003 WL 23353478 (D. Ariz. 2003). The hind requiring the attendance of a person with full settlement authority is that the parties' view of
27	the case ma	by be altered during the face to face conference. <u>Pitman</u> , 216 F.R.D. at 486. An authorization to limited dollar amount or sum certain can be found not to comply with the requirement of full
28		o settle. <u>Nick v. Morgan's Foods, Inc.</u> , 270 F.3d 590, 596-97 (8 <sup>th</sup> Cir. 2001). <b>2</b>
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1	The confidential settlement statement shall be no longer than five pages in length,
2	typed 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 upon
5	which the claims are founded; a forthright evaluation of the parties' likelihood of
6	prevailing on the claims and defenses; and a description of the major issues in
7	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, and
10	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	IT IS SO ORDERED.
17	DATED: October 25, 2017
18	Allison Clane Allison Claire
19	UNITED STATES MAGISTRATE JUDGE
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