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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JACKIE M. JOHNSON,

Plaintiff,

v.

CALIFORNIA MEDICAL FACILITY
HEALTH SERVICES, et al.,

Defendants.

No. 2:14-cv-0580 WBS KJN P

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff is a former state prisoner, proceeding pro se and in forma pauperis, with an 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 will be referred to Magistrate Judge Victor E. Bianchini to conduct a settlement conference at the U. S. District Court, 411 West Fourth Street, Santa Ana, California 92701 in Courtroom #6D on August 18, 2016, at 1:00 p.m.

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

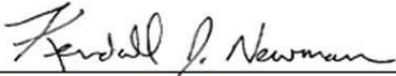
1. A settlement conference has been set for August 18, 2016, at 1:00 p.m., in Courtroom #6D before Magistrate Judge Victor E. Bianchini at the U. S. District Court, 411 West Fourth Street, Santa Ana, California 92701.

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- 2. A representative with full and unlimited authority to negotiate and enter into a binding settlement on the defendants’ behalf shall attend in person.¹
- 3. Those in attendance must be prepared to discuss the claims, defenses, and damages. The failure of any counsel, party, or authorized person subject to this order to appear in person may result in the imposition of sanctions. In addition, the conference will not proceed and will be reset to another date.
- 4. Each party shall provide a response to the attached “ORDER RE: PRE-SETTLEMENT CONFERENCE QUESTIONNAIRE” as instructed in the document, so that responses are received not later than August 8, 2016.

Dated: July 27, 2016



 KENDALL J. NEWMAN
 UNITED STATES MAGISTRATE JUDGE

ts/john0580.med

¹ While the exercise of its authority is subject to abuse of discretion review, “the district court has the 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, 1053, 1057, 1059 (9th Cir. 2012) (“the district court has broad authority to compel participation in mandatory 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. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989), cited with approval in Official Airline Guides, 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).

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JACKIE M. JOHNSON

Plaintiff(s)

v.

CALIFORNIA MEDICAL FACILITY ET AL.,

Defendant(s).

CASE NUMBER

CV14-00580 WBS (KJN)

**ORDER RE: PRE-SETTLEMENT
CONFERENCE QUESTIONNAIRE**

IT IS HEREBY ORDERED THAT:

The plaintiff and the defendant to this action shall, no later than **August 08, 2016**, complete and submit the attached Pre-Settlement Conference Questionnaire to the undersigned judge. The briefs shall be sent to the following address:

The Honorable Victor E. Bianchini
c/o Rosa Morales
United States District Court ADR Program Office
312 North Spring Street
Room 1027
Los Angeles, CA 90012
or Rosa_morales@cacd.uscourts.gov

DO NOT FILE THE QUESTIONNAIRE WITH THE CLERK'S OFFICE OR MAIL A COPY TO THE OPPOSING PARTY.

All responses to the questionnaire will remain confidential and will not be shared with the opposing party or the assigned judge. The parties may request that the Pre-Settlement Conference Questionnaire be returned to the submitting party at the end of the settlement conference.

Questions concerning the conference may be directed to the ADR Program Office at (213) 894-4446.

Dated: July 27, 2016

VICTOR E. BIANCHINI

Victor E. Bianchini
United States Magistrate Judge

**PRISONER SETTLEMENT PROGRAM
PRE-SETTLEMENT CONFERENCE QUESTIONNAIRE**

SUBMITTED BY: _____

Counsel for (if applicable) _____

CASE NAME AND NO. _____

Please attach your response to this cover page. Your complete response, including attachments, should not exceed seven (7) pages.

PLEASE TYPE OR PRINT CLEARLY.

1. ALL PARTIES AND COUNSEL (To be answered by Plaintiff and Defendant(s)):
 - a. Provide a short statement of the facts of this case.
 - b. Identify the major disputed legal issues.
 - c. Identify the major disputed factual issues.
 - d. State what efforts have been made to settle this matter prior to this conference.
 - e. Specify any and all previous offers made to settle this matter and provide the last best offer to settle made by each party.
 - f. Provide additional information, if any, which will aid the settlement judge (e.g., photographs, medical reports, investigative reports, disciplinary reports, compilation of damages, etc.)

2. PLAINTIFF (To be answered by Plaintiff only):
 - a. State your evaluation of a fair settlement in this case (What relief are you seeking, including any non-monetary remedy you seek in settlement of your case?).
 - b. List all economic damages claimed in this case. (Economic damages are tangible losses, i.e., past and future medical expenses, loss of past and future earnings, loss of use of property, cost of repair or replacement, etc.)
 - c. List all non-economic damages claimed in this case. (Non-economic damages are intangible losses such as pain and suffering, emotional distress, etc.)
 - d. State your last demand, if any, in this case.

3. DEFENDANT(s) (To be answered by Defendant(s) only):
 - a. Identify separately each party and the respective attorney of record.
 - b. Identify the Deputy Attorney General and California Department of Corrections and Rehabilitation representative who will appear at the settlement conference.
 - c. State your evaluation of a fair settlement in this case.

Responses to the Pre-Settlement Conference Questionnaire are vital to a productive settlement conference. The parties are instructed to treat these responses with as much importance as they would trial preparation materials. If you wish your submissions to be seen only by the judge, prominently mark them CONFIDENTIAL.