

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JONATHAN GRIGSBY,
Plaintiff,
v.
M. MUNGUIA, et al.,
Defendants.

No. 2:14-cv-0789 GEB AC P

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. On October 20, 2016, plaintiff filed a motion requesting a settlement conference. ECF No. 99. Defendants filed a statement of non-opposition on March 8, 2017. ECF No. 105. The court has determined that this case will benefit from a settlement conference. Therefore, this case will be referred to Magistrate Judge Stanley A. Boone to conduct a settlement conference at the U. S. District Court, 2500 Tulare Street, Fresno, California 93721 in Courtroom #9 on May 25, 2017 at 11:00 a.m.

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

1. This case is set for a settlement conference before Magistrate Judge Stanley A. Boone on May 25, 2017 at 11:00 a.m. at the U. S. District Court, 2500 Tulare Street, Fresno, California 93721 in Courtroom #9.

///

- 1 2. A representative with full and unlimited authority to negotiate and enter into a binding
2 settlement on the defendants' behalf shall attend in person.¹
- 3 3. Those in attendance must be prepared to discuss the claims, defenses and damages.
4 The failure of any counsel, party or authorized person subject to this order to appear in
5 person may result in the imposition of sanctions. In addition, the conference will not
6 proceed and will be reset to another date.
- 7 4. Each party shall provide a confidential settlement statement to the following email
8 address: saborders@caed.uscourts.gov. Plaintiff shall mail his confidential settlement
9 statement to Sujean Park, ADR & Pro Bono Program Director, USDC CAED, 501 I
10 Street, Suite 4-200, Sacramento, California 95814. The envelope shall be marked
11 "Confidential Settlement Statement." Settlement statements shall arrive no later than
12 May 18, 2017. Parties shall also file a Notice of Submission of Confidential
13 Settlement Conference Statement (See Local Rule 270(d)).

14
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" with
17 the date and time of the settlement conference indicated prominently thereon.


18
19 ¹ While the exercise of its authority is subject to abuse of discretion review, "the district court has
20 the authority to order parties, including the federal government, to participate in mandatory
21 settlement conferences." United States v. United States Dist. Court for the N. Mariana Islands,
22 694 F.3d 1051, 1053, 1057, 1059 (9th Cir. 2012) ("the district court has broad authority to compel
23 participation in mandatory settlement conference[s]"). The term "full authority to settle" means
24 that the individuals attending the mediation conference must be authorized to fully explore
25 settlement options and to agree at that time to any settlement terms acceptable to the parties. G.
26 Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989), cited with
27 approval in Official Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9th Cir. 1993). The
28 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, 486 (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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The 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.

DATED: March 23, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE