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7	IN THE UNITED STA	ATES DISTRICT COURT
8	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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10	ANTOINE MARQUISE GENTLE,	No. 2:14-CV-1173-CMK-P
11	Plaintiff,	
12	vs.	ORDER SETTING SETTLEMENT CONFERENCE
13	F. MONTAGO, et al.,	
14	Defendants.	
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16	Plaintiff, a former prisoner proceeding pro se, brings this civil rights action pursuant to 42	
17	U.S.C. § 1983. The Court has determined that this case will benefit from a settlement conference.	
18	Therefore, this case will be referred to Magistrate Judge Carolyn K. Delaney for the Court's	
19	Settlement Week program to conduct a settlement conference at the U.S. District Court, 501 I	
20	Street, Sacramento, California 95814 in Courtroom #24 on June 3, 2015 at 1:00 p.m.	
21	In accordance with the above, IT IS HEREBY ORDERED that:	
22	1. A settlement conference has been s	et for June 3, 2015 at 1:00 p.m. in Courtroom #24
23	before Magistrate Judge Carolyn K	. Delaney at the U. S. District Court, 501 I Street,
24	Sacramento, California 95814.	
25	2. Parties are instructed to have a prin	cipal with full settlement authority present at the
26	settlement conference or to be fully authorized to settle the matter on any terms. The	
27	individual with full authority to settle must also have "unfettered discretion and	
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1	authority" to change the settlement position of the party, if appropriate. The purpose	
2	behind requiring the attendance of a person with full settlement authority is that the	
3	parties' view of the case may be altered during the face to face conference. An	
4	authorization to settle for a limited dollar amount or sum certain can be found not to	
5	comply with the requirement of full authority to settle ¹ .	
6	3. Parties are directed to submit confidential settlement statements no later than May 27,	
7	2015 to <u>ckdorders@caed.uscourts.gov</u> . Plaintiff may mail his confidential settlement	
8	statement to Sujean Park, ADR Division, 501 I Street, Suite 4-200, Sacramento,	
9	California 95814 so it arrives no later than May 27, 2015. If a party desires to share	
10	additional confidential information with the Court, they may do so pursuant to the	
11	provisions of Local Rule 270(d) and (e). Parties are also directed to file a "Notice of	
12	Submission of Confidential Settlement Statement" (See L.R. 270(d)).	
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14	Settlement statements should not be filed with the Clerk of the Court nor served on	
15	any other party. Settlement statements shall be clearly marked "confidential" with	
16	the date and time of the settlement conference indicated prominently thereon.	
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18	The confidential settlement statement shall be no longer than five pages in length,	
19	typed or neatly printed, and include the following:	
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21	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	
22	conferences	
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	
24	settlement terms acceptable to the parties. <u>G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.</u> , 871 F.2d 648, 653 (7 th Cir. 1989), <u>cited with approval in Official Airline Guides, Inc. v. Goss</u> , 6 F.3d 1385, 1396 (9 th 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. <u>Pittman v. Brinker Int'l., Inc.</u> , 216 F.R.D. 481, 485-86 (D. Ariz. 2003), <u>amended on recon. in part</u> , <u>Pitman v. Brinker Int'l., Inc.</u> , 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	
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27	the case may be altered during the face to face conference. <u>Pitman</u> , 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	
28	authority to settle. <u>Nick v. Morgan's Foods, Inc.</u> , 270 F.3d 590, 596-97 (8 th Cir. 2001). 2	

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2	a. A brief statement of the facts of the case.
3	b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon
4	which the claims are founded; a forthright evaluation of the parties' likelihood of
5	prevailing on the claims and defenses; and a description of the major issues in
6	dispute.
7	c. A summary of the proceedings to date.
8	d. An estimate of the cost and time to be expended for further discovery, pretrial, and
9	trial.
10	e. The relief sought.
11	f. The party's position on settlement, including present demands and offers and a
12	history of past settlement discussions, offers, and demands.
13	g. A brief statement of each party's expectations and goals for the settlement
14	conference.
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16	Dated: April 30, 2015
17	CRAIG M. KELLISON' UNITED STATES MAGISTRATE JUDGE
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