

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

JOSEPH LEE GLOSSON,  
Plaintiff,  
v.  
T. ELLIOTT,  
Defendant.

No. 2:14-cv-1795 JAM AC P

ORDER SETTING SETTLEMENT  
CONFERENCE

Plaintiff is a state prisoner proceeding pro se with a 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 will be referred to Magistrate Judge Jennifer L. Thurston to conduct a settlement conference at Wasco State Prison (WSP), 701 Scofield Avenue, Wasco, California 93280 on January 4, 2017 at 9:30 a.m.

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

1. This case is set for a settlement conference before Magistrate Judge Jennifer L. Thurston on January 4, 2017 at 9:30 a.m. at Wasco State Prison (WSP), 701 Scofield Avenue, Wasco, California 93280.

2. A representative with full and unlimited authority to negotiate and enter into a

///  
///

1 binding settlement shall attend in person.<sup>1</sup>

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

6 4. At least 21 days before the settlement conference, plaintiff SHALL submit to  
7 defendant, by mail, a written itemization of damages and a meaningful settlement demand, which  
8 includes a brief explanation of why such a settlement is appropriate, not to exceed ten pages in  
9 length. Thereafter, no later than 14 days before the settlement conference, defendant SHALL  
10 respond, by telephone or in person, with an acceptance of the offer or with a meaningful  
11 counteroffer, which includes a brief explanation of why such a settlement is appropriate. If  
12 settlement is achieved, defense counsel is to immediately inform the courtroom deputy of  
13 Magistrate Judge Thurston.

14 5. If settlement is not achieved informally, each party is directed to submit  
15 confidential settlement statements to the following email address: [jltorders@caed.uscourts.gov](mailto:jltorders@caed.uscourts.gov).  
16 Plaintiff shall mail his confidential settlement statement to Sujean Park, ADR & Pro Bono  
17 Program Director, USDC CAED, 501 I Street, Suite 4-200, Sacramento, California 95814. The

---

18 <sup>1</sup> While the exercise of its authority is subject to abuse of discretion review, “the district court has  
19 the authority to order parties, including the federal government, to participate in mandatory  
20 settlement conferences.” United States v. United States Dist. Court for the Northern Mariana  
21 Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir. 2012) (“the district court has broad authority  
22 to compel participation in mandatory settlement conference[s].”). The term “full authority to  
23 settle” means that the individuals attending the mediation conference must be authorized to fully  
24 explore settlement options and to agree at that time to any settlement terms acceptable to the  
25 parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989),  
26 cited with approval in Official Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9th Cir. 1993).  
27 The individual with full authority to settle must also have “unfettered discretion and authority” to  
28 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 envelope shall be marked "Confidential Settlement Statement." Settlement statements shall  
2 arrive no later than December 28, 2016. Upon submission of confidential settlement statements,  
3 each party shall file on the docket a "Notice of Submission of Confidential Settlement Statement"  
4 (See L.R. 270(d)).


5 Settlement statements **should not be filed** with the Clerk of the Court **nor served on any**  
6 **other party**. Settlement statements shall be clearly marked "confidential" with the date and time  
7 of the settlement conference indicated prominently thereon.

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

- 10 a. A brief statement of the facts of the case.
- 11 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon  
12 which the claims are founded; a forthright evaluation of the parties' likelihood of  
13 prevailing on the claims and defenses; and a description of the major issues in  
14 dispute.
- 15 c. A summary of the proceedings to date.
- 16 d. An estimate of the cost and time to be expended for further discovery, pretrial, and  
17 trial.
- 18 e. The relief sought.
- 19 f. The party's position on settlement, including present demands and offers and a  
20 history of past settlement discussions, offers, and demands.
- 21 g. A brief statement of each party's expectations and goals for the settlement  
22 conference.

23 6. The Clerk of the Court is directed to serve a copy of this order on the litigation  
24 office at Wasco State Prison via facsimile at (661) 758-7093.

25 DATED: November 29, 2016

26   
27 ALLISON CLAIRE  
28 UNITED STATES MAGISTRATE JUDGE