

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

RICHARD J. CRANE,

Plaintiff,

v.

RODRIGUEZ, et al.,

Defendants.

No. 2:15-cv-0208 TLN KJN P

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff is a state prisoner, proceeding with court appointed limited purpose counsel, with a civil rights action pursuant to 42 U.S.C. §1983. The court has determined that this case will benefit from a settlement conference. Therefore, this case is referred to Magistrate Judge Allison Claire to conduct a settlement conference on February 8, 2024, at 9:00 a.m. The settlement conference will be conducted by remote means, with all parties appearing by Zoom video conference. The Court will issue the necessary transportation order in due course.

Accordingly, IT IS HEREBY ORDERED that:

1. This case is set for a settlement conference before Magistrate Judge Allison Claire on February 8, 2024, at 9:00 a.m. The settlement conference will be conducted by remote means, with all parties appearing by Zoom video conference.
2. Parties are instructed to have a principal with full settlement authority present at the Settlement Conference or to be fully authorized to settle the matter on any terms. The individual

1 with full authority to settle must also have “unfettered discretion and authority” to change the
2 settlement position of the party, if appropriate. The purpose behind requiring the attendance of a
3 person with full settlement authority is that the parties’ view of the case may be altered during the
4 face to face conference. An authorization to settle for a limited dollar amount or sum certain can
5 be found not to comply with the requirement of full authority to settle¹.

6 3. Parties are directed to submit confidential settlement statements no later than February
7 1, 2024 to acorders@caed.uscourts.gov. Parties are also directed to file a “Notice of Submission
8 of Confidential Settlement Statement” (See L.R. 270(d)).

9 Settlement statements **should not be filed** with the Clerk of the Court **nor served**
10 **on any other party**. Settlement statements shall be clearly marked “confidential” with
11 the date and time of the settlement conference indicated prominently thereon.

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

- 14 a. A brief statement of the facts of the case.
- 15 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon
16 which the claims are founded; a forthright evaluation of the parties’ likelihood of
17

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

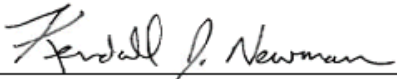
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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, including how much a party is willing to accept and/or willing to pay.
- h. If the parties intend to discuss the joint settlement of any other actions or claims not in this suit, give a brief description of each action or claim as set forth above, including case number(s) if applicable.

4. The Clerk of the Court is directed to serve a copy of this order via fax on the Litigation Office at RJ Donovan Correctional Facility at (619) 671-7566 or via email.

Dated: October 6, 2023


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

/cran0208.med