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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY RAY BAKER,
Plaintiff,
v.
J. MACOMBER, et al.,
Defendants.

No. 2:15-cv-0248 TLN AC P

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff is a state prisoner, proceeding through appointed counsel, 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 United States Magistrate Judge Carolyn K. Delaney to conduct a settlement conference at the United States District Court, 501 I Street, Sacramento, California 95814, in Courtroom No. 24, on Monday, June 25, 2018 at 9:30 a.m.

A separate order and writ of habeas corpus ad testificandum will issue concurrently with this order.

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

- 1. A settlement conference is set for **Monday, June 25, 2018 at 9:30 a.m.**, in Courtroom No. 24, before United States Magistrate Judge Carolyn K. Delaney at the United

1 States District Court, 501 I Street, Sacramento, California 95814.

- 2 2. Parties are instructed to have a principal with full settlement authority present at the
3 Settlement Conference or to be fully authorized to settle the matter on any terms. The
4 individual with full authority to settle must also have “unfettered discretion and
5 authority” to change the settlement position of the party, if appropriate. The purpose
6 behind requiring the attendance of a person with full settlement authority is that the
7 parties’ view of the case may be altered during the face to face conference. An
8 authorization to settle for a limited dollar amount or sum certain can be found not to
9 comply with the requirement of full authority to settle¹.
- 10 3. Each party shall provide a confidential settlement statement to the following email
11 address: ckdorders@caed.uscourts.gov not later than **June 18, 2018**. If a party desires
12 to share additional confidential information with the Court, they may do so pursuant to
13 the provisions of Local Rule 270(d) and (e). Parties are also directed to file a “Notice
14 of Submission of Confidential Settlement Statement” (See L.R. 270(d)).

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

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

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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.

IS IT SO ORDERED.

DATED: April 13, 2018



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE