

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

SAIYEZ AHMED,  
Plaintiff,  
v.  
C/O JOHNSON,  
Defendant.

No. 2:15-cv-1470 JAM AC P

ORDER SETTING SETTLEMENT  
CONFERENCE ON JUNE 9, 2017

Plaintiff Saiyez Ahmed is appearing pro se and in forma pauperis in this 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 a United States Magistrate Judge to conduct a settlement conference at the California State Prison, Corcoran (CSP-COR), 4001 King Avenue, Corcoran, CA 93212 on June 9, 2017, at 8:30 a.m. The Court will issue the necessary transportation order in due course.

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

1. This case is set for a settlement conference before a United States Magistrate Judge on June 9, 2017, at CSP-COR.
2. A representative with full and unlimited authority to negotiate and enter into a binding

////

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

- 2 3. Those in attendance must be prepared to discuss the claims, defenses and damages. The  
3 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  
5 will be reset to another date.
- 6 4. Defendants shall provide a confidential settlement statement to the following email  
7 address: **settleconf@caed.uscourts.gov**. Plaintiff shall mail his confidential settlement  
8 statement to U.S. District Court, 2500 Tulare Street, Fresno, California, 93721, “Attention:  
9 Institution Settlement Judge for June 9, 2017.” The envelope shall be marked  
10 “Confidential Settlement Statement.” Settlement statements shall arrive no later than June  
11 2, 2017. Parties shall also file a Notice of Submission of Confidential Settlement  
12 Conference Statement (see Local Rule 270(d)). Settlement statements **should not be filed**  
13 with the Clerk of the Court **nor served on any other party**. Settlement statements shall be  
14 clearly marked “confidential” with the date and time of the settlement conference indicated  
15 prominently thereon.
- 16 5. The confidential settlement statement shall be **no longer than five pages** in length, typed  
17 or neatly printed, and include the following:
- 18 a. A brief statement of the facts of the case.

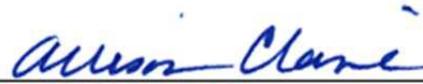
19  
20 <sup>1</sup> While the exercise of its authority is subject to abuse of discretion review, “the district court has the  
21 authority to order parties, including the federal government, to participate in mandatory settlement  
22 conferences...” United States v. United States District Court for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

- 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. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
- d. The party's position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands.
- e. 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.

IT IS SO ORDERED.

DATED: May 9, 2017

  
\_\_\_\_\_  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE