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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS GARLAND,

Plaintiff,

v.

CDCR Officers RASHEV & PIERCE,

Defendants.

No. 2:16-cv-1856 JAM AC P

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff is a former state prisoner proceeding without counsel in this action brought under 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 Deborah Barnes to conduct a settlement conference at the United States District Court, 501 I Street, Sacramento, California 95814, in Courtroom #27, on August 22, 2018 at 10:00 a.m.

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

1. This case is set for a **settlement conference before U.S. Magistrate Judge Deborah Barnes on August 22, 2018 at 10:00 a.m., at the U.S. District Court, 501 I Street, Sacramento, California 95814, in Courtroom #27 (8th Floor).**
2. A representative with full and unlimited authority to negotiate and enter into a binding

1 settlement on the defendants' behalf shall attend in person.¹

- 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
4 person may result in the imposition of sanctions. In addition, the conference will not
5 proceed and will be reset to another date.
- 6 4. Parties are directed to submit confidential settlement statements no later than August
7 15, 2018 to dborders@caed.uscourts.gov. Plaintiff may mail his confidential
8 settlement statement Attn: Magistrate Judge Deborah Barnes, USDC CAED, 501 I
9 Street, Suite 4-200, Sacramento, California 95814 so it arrives no later than August 15,
10 2018. The envelope shall be marked "CONFIDENTIAL SETTLEMENT
11 STATEMENT." Parties are also directed to file a "Notice of Submission of
12 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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19 ¹ While the exercise of its authority is subject to abuse of discretion review, "the district court has
20 the authority to order parties, including the federal government, to participate in mandatory
21 settlement conferences... ." United States v. United States District Court for the Northern
22 Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir. 2012)("the district court has broad
23 authority to compel participation in mandatory settlement conference[s]"). The term "full
24 authority to settle" means that the individuals attending the mediation conference must be
25 authorized to fully explore settlement options and to agree at that time to any settlement terms
26 acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653
27 (7th Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9th
28 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, including how much a party is willing to accept and/or willing to pay.

DATED: June 5, 2018



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE