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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JIMMY LEE BILLS,
Plaintiff,
v.
E. SANCHEZ, et al.,
Defendants.

No. 2:16-cv-2137-KJM-EFB P

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. §1983. On January 23, 2018, the parties were directed to inform this court’s ADR division if they believed a settlement conference would be beneficial. (ECF No. 33.) After a review of the parties’ responses, it has been determined that this case will benefit from a settlement conference. Therefore, this case will be referred to Magistrate Judge Deborah Barnes to conduct a settlement conference at the U. S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom No. 27 on June 20, 2018 at 10:00 a.m.

Plaintiff shall have the option to appear at the settlement conference in person or by video conference. In the event video conferencing capabilities are unavailable, plaintiff may appear by telephone. Plaintiff will be required to return the attached form advising the court how he would like to appear at the settlement conference so that the court may issue the appropriate orders.

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2 A separate order and writ of habeas corpus ad testificandum will issue once it has been
3 determined how plaintiff will appear.

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

- 5 1. This case is set for a settlement conference before Magistrate Judge Deborah Barnes
6 on June 20, 2018 at 10:00 a.m. at the U. S. District Court, 501 I Street, Sacramento,
7 California 95814 in Courtroom #27.
- 8 2. A representative with full and unlimited authority to negotiate and enter into a binding
9 settlement on the defendants' behalf shall attend in person.¹
- 10 3. Those in attendance must be prepared to discuss the claims, defenses and damages.
11 The failure of any counsel, party or authorized person subject to this order to appear in
12 person may result in the imposition of sanctions. In addition, the conference will not
13 proceed and will be reset to another date.
- 14 4. Plaintiff shall have the choice to attend the settlement conference in person or by
15 video. Within ten days after the filing date of this order, plaintiff shall return the
16 attached form notifying the court whether he would like to attend the settlement
17 conference in person or by video. If plaintiff chooses to appear by video and video
18 conferencing is not available, he may appear by telephone. If plaintiff does not return
19 the form telling the court how he would like to attend the conference, the court will
20 issue orders for plaintiff to appear by video.

21 ////

22 _____
23 ¹ While the exercise of its authority is subject to abuse of discretion review, “the district court has the
24 authority to order parties, including the federal government, to participate in mandatory settlement conferences... .”
25 United States v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th
26 Cir. 2012)(“the district court has broad authority to compel participation in mandatory settlement conference[s].”).
27 The term “full authority to settle” means that the individuals attending the mediation conference must be authorized
28 to fully explore settlement options and to agree at that time to any settlement terms acceptable to the parties. G.
Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 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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5. The parties are directed to submit confidential settlement statements no later than June 13, 2018 to dborders@caed.uscourts.gov. Plaintiff shall mail his confidential settlement statement Attn: Magistrate Judge Deborah Barnes, USDC CAED, 501 I Street, Suite 4-200, Sacramento, California 95814 so it arrives no later than June 13, 2018. The envelope shall be marked “CONFIDENTIAL SETTLEMENT STATEMENT.” If a party desires to share additional confidential information with the Court, they may do so pursuant to the provisions of Local Rule 270(d) and (e). Parties are also directed to file a “Notice of Submission of Confidential Settlement Statement” (See L.R. 270(d)).

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

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.

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- 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.

DATED: March 14, 2018.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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PLAINTIFF'S NOTICE ON TYPE OF
APPEARANCE AT SETTLEMENT
CONFERENCE

Check one:

_____ Plaintiff would like to participate in the settlement conference in person.

_____ Plaintiff would like to participate in the settlement conference by video/telephone.

Date

Jimmy Lee Bills
Plaintiff pro se