

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Etuate Sekona v. F. Custino

Sekona v. Custino, No. 2:16-CV-0517-DMC-P (E.D. Cal. Mar. 21, 2025) · No. 2:16-CV-0517-DMC-P · Decided
March 21, 2025

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT
OF CALIFORNIA ETUATE SEKONA, No. 2:16-CV-0517-DMC-P Plaintiff, v.
ORDER SETTING SETTLEMENT CONFERENCE F. CUSTINO, Defendant. Plaintiff, a prisoner proceeding pro se, brings this 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 will be referred to Magistrate Judge Allison Claire to conduct a settlement conference on May 29, 2025, 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. In accordance with the above, IT IS HEREBY ORDERED that: 1. This case is set for a settlement conference before Magistrate Judge Allison Claire on May 29, 2025, at 9:00 a.m.

The settlement conference will be conducted by remote means, with all parties appearing by Zoom video conference. 2 the Settlement Conference or to be fully authorized to settle the matter on any terms.

The individual with full authority to settle must also have “unfettered discretion and authority” to change the settlement position of the party, if appropriate. 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. 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.

3. Parties are directed to submit confidential settlement statements no later than May 22, 2025, to acorders@caed.uscourts.gov. Plaintiff shall mail his confidential settlement statement to U.S. District Court, 501 I Street, Suite 4-200, Sacramento, California 95814 “Attn: Magistrate Judge Allison Claire” so it arrives no later than May 22, 2025. 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. 16 The confidential settlement statement shall be no longer than five pages in length, 17 typed or neatly printed, and include the following: 18 a. A brief statement of the facts of the case. b. A brief statement of the claims and defenses, i.e., statutory or other 19 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 20 issues in dispute.

21 22 1 23 While the exercise of its authority is subject to abuse of discretion review, "the district court has the authority to order parties, including the federal government, to participate in mandatory settlement 24 conferences...." *Unittehd States v. United States District Court for the Northern Mariana Islands*, 694 F.3d 1051, 1053, 1057, 1059 (9 Cir. 2012)("the district court has broad authority to compel participation in mandatory settlement conference[s].").

The term "full authority to settle" means that the individuals attending the 25 mediation conference must be authorized to fully explore settlement options and to agree at that time to any 26 settlement terms acceptable to the parties. *G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.*, 871 F.2d 648, 653 (7 Cir. 1989), cited with approval in *Official Airline Guides, Inc. v. Goss*, 6 F.3d 1385, 1396 (9 Cir.

1993). The individual with full authority to settle must also have "unfettered discretion and authority" to change the 27 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 28 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 Assummary of the proceedings to date. 1 d. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.

2 e. The relief sought. f. The party's position on settlement, including present demands and offers 3 and a history of past settlement discussions, offers, and demands. g. A brief statement of each party's expectations and goals for the settlement 4 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 5 claims not in this suit, give a brief description of each action or claim as set forth above, including case number(s) if applicable.

6 7 4. The Clerk of the Court is directed to serve a copy of this order via fax on the 8 | Litigation Office at Valley State Prison at (559) 665-8919 or via email. 9 5. This matter is stayed through the date of the settlement conference. 10 6.

The date for Defendant to file a status report is vacated and reset to 30 days 11 | following completion of the settlement conference if the matter is not resolved at that time. 12 13 Dated:

March 21, 2025 Co 14 DENNIS M. COTA 45 UNITED STATES MAGISTRATE JUDGE 16 17
18 19 20 21 22 23 24 25 26 27 28

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