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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SID LANDAU,

Case No. 1:07-cv-00815-AWI-DLB PC

Plaintiff,

v.

ORDER OF REFERRAL FOR
SETTLEMENT WEEK AND SETTING
SETTLEMENT CONFERENCE

JAMES FORREST, et al.,

Defendants.

_____ /

Plaintiff is a civil detainee, proceeding pro se, with a civil rights action pursuant to 42 U.S.C. § 1983. On March 18, 2013, the parties indicated during a status conference their interest in pursuing a settlement conference. This case will be referred to Magistrate Judge Carolyn K. Delaney for the court’s Settlement Week Program to conduct a settlement conference on **June 10, 2013 at 9:30 a.m.** at the U. S. District Court, 501 I Street, Sacramento, California 99814 in courtroom #24. Plaintiff is to appear by video conference from his place of detention.

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

1. This case is set for a settlement conference before Magistrate Judge Carolyn K. Delaney on June 10, 2013, at 9:30 a.m. at the U. S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #24. Plaintiff is to appear by video conference from his place of

1 detention. Defendants' lead counsel is required to assist in making arrangements for Plaintiff's
2 appearance by video with Plaintiff's place of detention.

3 2. Defendants' lead counsel and a person with full and unlimited authority to
4 negotiate and enter into a binding settlement on defendants' behalf shall attend in person.¹

5 3. Those in attendance must be prepared to discuss the claims, defenses and
6 damages. The failure of any counsel, party or authorized person subject to this order to appear
7 in person may result in the imposition of sanctions. In addition, the conference will not proceed
8 and will be reset to another date.

9 4. Each party shall provide a confidential settlement conference statement to
10 Sujean Park, 501 I Street, Suite 4-200, Sacramento, California 95814, or via e-mail at
11 spark@caed.uscourts.gov, so they arrive no later than May 31, 2013 and file a Notice of
12 Submission of Confidential Settlement Conference Statement (See Local Rule 270(d)).

13 Settlement statements **should not be filed** with the Clerk of the court **nor served**
14 **on any other party**. Settlement statements shall be clearly marked "confidential" with the date
15 and time of the settlement conference indicated prominently thereon.

16 The confidential settlement statement shall be **no longer than five pages** in
17 length, typed or neatly printed, and include the following:

18 a. A brief statement of the facts of the case.

19 _____
20 ¹The term "full authority to settle" means that the individuals attending the mediation
21 conference must be authorized to fully explore settlement options and to agree at that time to any
22 settlement terms acceptable to the parties. *G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.*,
23 871 F.2d 648, 653 (7th Cir. 1989), *cited with approval in Official Airline Guides, Inc. v. Goss*, 6
24 F. 3d 1385, 1396 (9th Cir. 1993). The individual with full authority to settle must also have
25 "unfettered discretion and authority" to change the settlement position of the party, if appropriate.
26 *Pittman 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).

