1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 THOMAS JOHN CARLSON, Case No. 1:10-cv-00759-LJO-SKO (PC) 11 Plaintiff, ORDER SETTING SETTLEMENT 12 CONFERENCE AND EXTENDING PRETRIAL DISPOSITIVE MOTION VS. 13 **DEADLINE** R. HANSEN, et al., Date: 04/02/2015 14 Defendants. Time: 9:00 a.m. 15 Place: Courtroom 25 (KJN) 16 This case has been selected for inclusion in the Prisoner Settlement Program. This case is 17 referred to United States Magistrate Judge Kendall J. Newman to conduct a settlement conference 18 at the U. S. District Court, 501 I Street, Sacramento, California, 95814, in Courtroom #25 on 19 April 2, 2015, at 9:00 a.m. 20 A separate order and writ of habeas corpus ad testificandum will issue concurrently with 21 this order. 22 In accordance with the above, the Court HEREBY ORDERS as follow: 23 1. This case is set for a settlement conference before United States Magistrate Judge 24 Kendall J. Newman on April 2, 2015, at 9:00 a.m. at the U. S. District Court, 501 I 25 Street, Sacramento, California, 95814, in Courtroom #25. 26 /// 27 /// 28

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- 2. A representative with full and unlimited authority to negotiate and enter into a binding settlement on the defendants' behalf shall attend in person.¹
- 3. Those in attendance must be prepared to discuss the claims, defenses and damages. The failure of any counsel, party or authorized person subject to this order to appear in person may result in the imposition of sanctions. In addition, the conference will not proceed and will be reset to another date.
- 4. Judge Newman or another representative from the court will be contacting the parties either by telephone or in person, approximately one week prior to the settlement conference, to ascertain each party's expectations of the settlement conference.
- 5. The pretrial dispositive motion deadline set for March 6, 2015, is extended to May 6, 2015.

IT IS SO ORDERED.

Dated: March 3, 2015 /s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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 conferences...." *United States v. United States District Court for the Northern Mariana Islands*, 694 F.3d 1051, 1053, 1057, 1059 (9th 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 mediation conference must be authorized 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 by 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. *Pittman v. Brinker Int I., Inc.*, 216 F.R.D. 481, 485-86 (D. Ariz. 2003), *amended on recon. in part, Pitman v. Brinker Int I., Inc.*, No. CV02-1886PHX DGC, 2003 WL 23353478, at *3 (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).