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7 **UNITED STATES DISTRICT COURT**

8 EASTERN DISTRICT OF CALIFORNIA
9

10 RODNEY BROOKS,

Case No. 1:11-cv-01503-AWI-DLB PC

11 Plaintiff,

12 v.

ORDER SETTING SETTLEMENT
CONFERENCE

13 HAROLD TATE,

14 Defendant.

15
16 Plaintiff Rodney Brooks (“Plaintiff”), a state prisoner proceeding pro se and in forma
17 pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983. The Court has determined
18 that this case will benefit from a settlement conference. Therefore, this case will be referred to
19 Magistrate Judge Kendall J. Newman to conduct a settlement conference at the U. S. District
20 Court, 501 I Street, Sacramento, California 95814 in Courtroom #25 on May 13, 2015 at 9:30
21 a.m.

22 A separate order and writ of habeas corpus ad testificandum will issue concurrently with
23 this order.

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

25 1. This case is set for a settlement conference before Magistrate Judge Kendall J.
26 Newman on May 13, 2015 at 9:30 a.m. at the U. S. District Court, 501 I Street,
27 Sacramento, California 95814 in Courtroom #25.

1 2. A representative with full and unlimited authority to negotiate and enter into a binding
2 settlement on the defendants' behalf shall attend in person.¹
3 3. Those in attendance must be prepared to discuss the claims, defenses and damages.
4 The failure of any counsel, party or authorized person subject to this order to appear in
5 person may result in the imposition of sanctions. In addition, the conference will not
6 proceed and will be reset to another date.
7 4. The parties are directed to exchange non-confidential settlement statements seven days
8 prior to the settlement conference. These statements shall simultaneously be delivered
9 to the Court using the following email address: kjnorders@caed.uscourts.gov.
10 Plaintiff shall mail his non-confidential settlement statement to arrive not less than
11 seven days prior to the settlement conference, addressed to Magistrate Judge Kendall
12 J. Newman, USDC CAED, 501 I Street, Suite 4-200, Sacramento, CA 95814. The
13 envelope shall be marked "Settlement Statement." If a party desires to share
14 additional confidential information with the Court, they may do so pursuant to the
15 provisions of Local Rule 270(d) and (e).

16 IT IS SO ORDERED.
17

18 Dated: April 7, 2015

19 _____
20 */s/ Dennis L. Beck*
21 UNITED STATES MAGISTRATE JUDGE

22 ¹ While the exercise of its authority is subject to abuse of discretion review, "the district court has the authority to
23 order parties, including the federal government, to participate in mandatory settlement conferences...." United States
24 v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir.
25 2012) ("the district court has broad authority to compel participation in mandatory settlement conference[s]."). The
26 term "full authority to settle" means that the individuals attending the mediation conference must be authorized to
27 fully explore settlement options and to agree at that time to any settlement terms acceptable to the parties. G.
28 Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989), cited with approval in Official
29 Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9th Cir. 1993). The individual with full authority to settle must also
30 have "unfettered discretion and authority" to change the settlement position of the party, if appropriate. Pittman v.
31 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.,
32 2003 WL 23353478 (D. Ariz. 2003). The purpose behind requiring the attendance of a person with full settlement
33 authority is that the parties' view of the case may be altered during the face to face conference. Pitman, 216 F.R.D.
34 at 486. An authorization to settle for a limited dollar amount or sum certain can be found not to comply with the
35 requirement of full authority to settle. Nick v. Morgan's Foods, Inc., 270 F.3d 590, 596-97 (8th Cir. 2001).