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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

OSCAR MENDEZ,

Plaintiff,

v.

PETE TREVINO, et al.,

Defendants.

Case No. 1:11-cv-01932-AWI-MJS (PC)

**ORDER SETTING SETTLEMENT
CONFERENCE**

DATE: June 9, 2014

TIME: 1:00 p.m.

**PLACE: U.S.D.C., Courtroom #25, 501 I
Street, Sacramento, CA**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter proceeds on the First Amended Complaint free exercise and equal protection claims against Defendant Trevino. The Court has determined that this case will benefit from a settlement conference; therefore, this case will be referred to Magistrate Judge Kendall J. Newman for the Court's Settlement Week program to conduct a settlement conference at the U.S. District Court, Courtroom #25, 501 I Street, Sacramento, California 95814 on June 9, 2014 at 1:00 p.m.

1 A separate writ of habeas corpus ad testificandum will issue concurrently with this
2 Order.

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

- 4 1. This case is set for a settlement conference before Magistrate Judge Kendall
5 J. Newman on June 9, 2014 at 1:00 p.m. at the U. S. District Court,
6 Courtroom #25, 501 I Street, Sacramento, California 95814.
- 7 2. A representative with full and unlimited authority to negotiate and enter into a
8 binding settlement shall attend in person.¹
- 9 3. Those in attendance must be prepared to discuss the claims, defenses and
10 damages. The failure of any counsel, party or authorized person subject to
11 this Order to appear in person may result in the imposition of sanctions. In
12 addition, the conference will not proceed and will be reset to another date.
- 13 4. The parties are directed to exchange non-confidential settlement statements
14 seven days prior to this settlement conference. These statements shall
15 simultaneously be delivered to the Court using the following email address:
16 kjnorders@caed.uscourts.gov. Plaintiff shall mail his statement so it arrives
17 no later than seven days prior to the settlement conference to Magistrate
18 Judge Kendall J. Newman, U.S. District Court, 501 I Street, Suite 4-200,
19 Sacramento, CA 95814. If a party desires to share additional confidential
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23 ¹ While the exercise of its authority is subject to abuse of discretion review, “the district court has the authority
24 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,
26 1059 (9th Cir. 2012)(“the district court has broad authority to compel participation in mandatory settlement
27 conference[s].”). The term “full authority to settle” means that the individuals attending the mediation
28 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 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. *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).

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information with the Court, they may do so pursuant to the provisions of Local Rule 270(d) and (e).

IT IS SO ORDERED.

Dated: May 5, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE