



1 2500 Tulare Street, Fresno, California 93721.

- 2 2. Defendants' lead counsel and a person with full and unlimited authority to negotiate  
3 and enter into a binding settlement on defendants' behalf shall attend in person<sup>1</sup>.
- 4 3. Those in attendance must be prepared to discuss the claims, defenses and damages.  
5 The failure of any counsel, party or authorized person subject to this order to appear in  
6 person may result in the imposition of sanctions. In addition, the conference will not  
7 proceed and will be reset to another date.
- 8 4. Parties are directed to submit confidential settlement statements no later than  
9 September 1, 2016 to [mjsorders@caed.uscourts.gov](mailto:mjsorders@caed.uscourts.gov). Plaintiff shall mail his  
10 confidential settlement statement to Sujean Park, ADR & Pro Bono Program Director,  
11 USDC CAED, 501 I Street, Suite 4-200, Sacramento, California 95814 so it arrives no  
12 later than September 1, 2016. The envelope shall be marked "Confidential Settlement  
13 Statement." If a party desires to share additional confidential information with the  
14 Court, they may do so pursuant to the provisions of Local Rule 270(d) and (e). Parties  
15 are also directed to file a "Notice of Submission of Confidential Settlement Statement"  
16 (See L.R. 270(d)).
- 17 Settlement statements **should not be filed** with the Clerk of the Court **nor served on**  
18 **any other party**. Settlement statements shall be clearly marked "confidential" with  
19 the date and time of the settlement conference indicated prominently thereon.

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21 <sup>1</sup> While the exercise of its authority is subject to abuse of discretion review, "the district court has the  
22 authority to order parties, including the federal government, to participate in mandatory settlement  
23 conferences... ." United States v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051,  
24 1053, 1057, 1059 (9<sup>th</sup> Cir. 2012)("the district court has broad authority to compel participation in mandatory  
25 settlement conference[s]."). The term "full authority to settle" means that the individuals attending the  
26 mediation conference must be authorized to fully explore settlement options and to agree at that time to any  
27 settlement terms acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648,  
28 653 (7<sup>th</sup> Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9<sup>th</sup> 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. 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  
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 (8<sup>th</sup> Cir. 2001).

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

- a. A brief statement of the facts of the case.
- b. A brief statement of the claims and defenses, i.e., statutory or other 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 issues in dispute.
- c. A summary of the proceedings to date.
- d. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
- e. The relief sought.
- f. The party's position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands.
- g. A brief statement of each party's expectations and goals for the settlement conference.

IT IS SO ORDERED.

Dated: May 3, 2016

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE