

1 Magistrate Judge Jennifer L. Thurston at the U. S. District Court, 510 19th
2 Street, Bakersfield, California 93301.

3 3. The deadlines for filing pretrial statements, set out in the Court's June 28,
4 2016 Second Scheduling Order, are hereby extended as follows:

5 a. Plaintiff shall file and serve a pretrial statement on or before August 29,
6 2016.

7 b. Defendant shall file and serve a pretrial statement on or before
8 September 12, 2016.

9 4. Parties are instructed to have a principal with full settlement authority present
10 at the Settlement Conference or to be fully authorized to settle the matter on
11 any terms. The individual with full authority to settle must also have
12 "unfettered discretion and authority" to change the settlement position of the
13 party, if appropriate. The purpose behind requiring the attendance of a person
14 with full settlement authority is that the parties' view of the case may be altered
15 during the face to face conference. An authorization to settle for a limited
16 dollar amount or sum certain can be found not to comply with the requirement
17 of full authority to settle¹.

18 5. Defendant shall provide a confidential settlement statement to the following
19 email address: jlorders@caed.uscourts.gov not later than August 15, 2016.

21 ¹ 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
24 1051, 1053, 1057, 1059 (9th Cir. 2012) ("the district court has broad authority to compel participation in
25 mandatory settlement conference[s]"). The term "full authority to settle" means that the individuals
26 attending the mediation conference must be authorized to fully explore settlement options and to agree at
27 that time to any settlement terms acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat
28 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. Pitman v. Brinker Int'l., Inc.,
216 F.R.D. 481, 485-86 (D. Ariz. 2003), amended on recon. in part, 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).

1 Plaintiff shall mail his confidential settlement statement to Sujean Park, ADR
2 Division, 501 I Street, Suite 4-200, Sacramento, California 95814 so it arrives
3 no later than August 15, 2016. The envelope shall be marked
4 “CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT.” If a party
5 desires to share additional confidential information with the Court, they may do
6 so pursuant to the provisions of Local Rule 270(d) and (e). Parties are also
7 directed to file a “Notice of Submission of Confidential Settlement Statement”
8 (See L.R. 270(d)).

9
10 Settlement statements **should not be filed** with the Clerk of the Court **nor**
11 **served on any other party**. Settlement statements shall be clearly marked
12 “confidential” with the date and time of the settlement conference indicated
13 prominently thereon.

14
15 The confidential settlement statement shall be **no longer than five pages** in
16 length, typed or neatly printed, and include the following:

- 17 a. A brief statement of the facts of the case.
- 18 b. A brief statement of the claims and defenses, i.e., statutory or other
19 grounds upon which the claims are founded; a forthright evaluation of the
20 parties’ likelihood of prevailing on the claims and defenses; and a
21 description of the major issues in dispute.
- 22 c. A summary of the proceedings to date.
- 23 d. An estimate of the cost and time to be expended for further discovery,
24 pretrial, and trial.
- 25 e. The relief sought.
- 26 f. The party’s position on settlement, including present demands and offers
27 and a history of past settlement discussions, offers, and demands.

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g. A brief statement of each party's expectations and goals for the settlement conference.

IT IS SO ORDERED.

Dated: July 22, 2016

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE