

- 1 2. Parties are instructed to have a principal with full settlement authority¹ present at the
2 Settlement Conference or to be fully authorized to settle the matter on terms
3 acceptable. The individual with full authority to settle must also have “unfettered
4 discretion and authority” to change the settlement position of the party, if convinced
5 he/she should, or access to the person with this authority via telephone.
- 6 3. Parties are directed to submit confidential settlement statements no later than June 23,
7 2017 to ckdorders@caed.uscourts.gov. Plaintiff shall mail his confidential settlement
8 statement Attn: Magistrate Judge Carolyn K. Delaney, USDC CAED, 501 I Street,
9 Suite 4-200, Sacramento, California 95814 so it arrives no later than June 23, 2017.
10 The envelope shall be marked “CONFIDENTIAL SETTLEMENT CONFERENCE
11 STATEMENT.” If a party desires to share additional confidential information with
12 the Court, they may do so pursuant to the provisions of Local Rule 270(d) and (e).
13 Parties are also directed to file a “Notice of Submission of Confidential Settlement
14 Statement” (See L.R. 270(d))

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

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

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 1051,
24 1053, 1057, 1059 (9th 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 (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, 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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- 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: April 27, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE