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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SAAHDI ABDUL COLEMAN,  
Plaintiff,  
v.  
P. FIGUEROA,  
Defendant.

Case No. 1:15-cv-00109-AWI-EPG (PC)  
  
ORDER SETTING SETTLEMENT  
CONFERENCE

Saahdi Coleman (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983. 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 to conduct a settlement conference at the U. S. District Court, 501 I Street, Sacramento, California, 95814, in Courtroom #25, on October 18, 2018, at 9:00 a.m.<sup>1</sup>

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

1. This case is set for a settlement conference before Magistrate Judge Kendall J. Newman on October 18, 2018, at 9:00 a.m., at the U. S. District Court, 501 I Street, Sacramento, California, 95814, in Courtroom #25. If District Judge Anthony W. Ishii declines to adopt the Court’s findings and recommendations (ECF No. 67) and dismisses this case, the

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<sup>1</sup> The deadlines set out in the Court’s scheduling order (ECF No. 53) remain the same.

1 settlement conference will be vacated.

- 2 2. A representative with full and unlimited authority to negotiate and enter into a binding  
3 settlement shall attend in person.<sup>2</sup>
- 4 3. Those in attendance must be prepared to discuss the claims, defenses, and damages at issue  
5 in this case. The failure of any counsel, party, or authorized person subject to this order to  
6 appear in person may result in the imposition of sanctions. In addition, the conference will  
7 not proceed and will be reset to another date.
- 8 4. The parties are directed to exchange non-confidential settlement statements seven days  
9 prior to the settlement conference. These statements shall simultaneously be delivered to  
10 the court using the following email address: [kjnorders@caed.uscourts.gov](mailto:kjnorders@caed.uscourts.gov). Plaintiff shall  
11 mail his non-confidential settlement statement Attn: Magistrate Judge Kendall J. Newman,  
12 USDC CAED, 501 I Street, Suite 4-200, Sacramento, CA 95814, so that it arrives at least  
13 seven (7) days prior to the settlement conference. The envelope shall be marked  
14 “SETTLEMENT STATEMENT.” The date and time of the settlement conference shall be  
15 prominently indicated on the settlement statement. If a party desires to share confidential  
16 information with Judge Newman, that party may do so pursuant to the provisions of Local  
17 Rule 270(d) and (e).  
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20 <sup>2</sup> While the exercise of its authority is subject to abuse of discretion review, “the district court  
21 has the authority to order parties, including the federal government, to participate in mandatory  
22 settlement conferences...” United States v. United States District Court for the Northern Mariana  
23 Islands, 694 F.3d 1051, 1053, 1057, 1059 (9<sup>th</sup> Cir. 2012) (“the district court has broad authority to  
24 compel participation in mandatory settlement conference[s].”). The term “full authority to settle”  
25 means that the individuals attending the mediation conference must be authorized to fully explore  
26 settlement options and to agree at that time to any settlement terms acceptable to the parties. G.  
27 Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7<sup>th</sup> Cir. 1989), cited with  
28 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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5. Judge Newman or another representative from the Court will be contacting the parties either by telephone or in person, approximately two weeks prior to the settlement conference, to ascertain each party's expectations of the settlement conference.

IT IS SO ORDERED.

Dated: August 7, 2018

/s/ Eric P. Groj  
UNITED STATES MAGISTRATE JUDGE