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7	IN THE UNITED S	TATES DISTRICT COURT
8	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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10	KENNETH R. HUSKEY,	Case No. 1:15-cv-00138-JLT (PC)
11	Plaintiff,	<u>ORDER SETTING SETTLEMENT</u> <u>CONFERENCE</u>
12	v.	
13	LOPEZ, et al.,	
14	Defendants.	
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16	The Court has determined that this ca	se will benefit from a settlement conference.
17	Therefore, this case will be referred to Magis	trate Judge Carolyn K. Delaney to conduct a
18	settlement conference at the U.S. District Co	ourt, 501 I Street, Sacramento, California 95814 in
19	Courtroom #24 on September 18, 2017 at 9:3	30 a.m.
20	In accordance with the above, the Co	urt ORDERS:
21	1. This case is set for a settlement co	onference before Magistrate Judge Carolyn K.
22	Delaney on September 18, 2017 a	tt 9:30 a.m. in Courtroom #24 at the U.S. District
23	Court, 501 I Street, Sacramento, C	California 95814.
24	2. Parties are instructed to have a print	incipal with full settlement authority present at the
25	settlement conference or to be ful	ly authorized to settle the matter on any terms. The
26	individual with full authority to se	ettle must also have "unfettered discretion and
27	authority" to change the settlement	nt position of the party, if appropriate. The purpose
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1	behind requiring the attendance of a person with full settlement authority is that the	
2	parties' view of the case may be altered during the face to face conference. An	
3	authorization to settle for a limited dollar amount or sum certain can be found not to	
4	comply with the requirement of full authority to settle. ¹	
5	3. Parties are directed to submit confidential settlement statements no later than	
6	September 11, 2017 to <u>ckdorders@caed.uscourts.gov</u> . If a party desires to share	
7	additional confidential information with the Court, they may do so pursuant to the	
8	provisions of Local Rule 270(d) and (e). Parties are also directed to file a "Notice of	
9	Submission of Confidential Settlement Statement" (See L.R. 270(d)).	
10	Settlement statements should not be filed with the Clerk of the Court nor served	
11	on any other party. Settlement statements shall be clearly marked "confidential"	
12	with the date and time of the settlement conference indicated prominently thereon.	
13	The confidential settlement statement shall be no longer than five pages in length,	
14	typed or neatly printed, and include the following:	
15	a. A brief statement of the facts of the case.	
16	b. A brief statement of the claims and defenses, i.e., statutory or other	
17	grounds upon which the claims are founded; a forthright evaluation of the	
18	parties' likelihood of prevailing on the claims and defenses; and a	
19	description of the major issues in dispute.	
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21	¹ While the exercise of its authority is subject to abuse of discretion review, "the district court has the authority to order parties, including the federal government, to participate in mandatory settlement	
22	conferences" <u>United States v. United States District Court for the Northern Mariana Islands</u> , 694 F.3d 1051, 1053, 1057, 1059 (9 th Cir. 2012)("the district court has broad authority to compel participation in mandatory	
23	settlement conference[s]."). The term "full authority to settle" means that the individuals attending the mediation conference must be authorized to fully explore settlement options and to agree to settlement terms	
24	acceptable to the parties. <u>G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.</u> , 871 F.2d 648, 653 (7 th Cir. 1989), <u>cited with approval in Official Airline Guides, Inc. v. Goss</u> , 6 F.3d 1385, 1396 (9 th 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. <u>Pitman v. Brinker Int'l., Inc.</u> , 216 F.R.D. 481, 485-86 (D. Ariz. 2003), <u>amended on recon. in part, Pitman v. Brinker Int'l., Inc.</u> , 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. <u>Pitman</u> , 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	
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28	settle. <u>Nick v. Morgan's Foods, Inc.</u> , 270 F.3d 590, 596-97 (8 th Cir. 2001). 2	

1	c. A summary of the proceedings to date.
2	d. An estimate of the cost and time to be expended for further discovery, pretrial,
3	and trial.
4	e. The relief sought.
5	f. The party's position on settlement, including present demands and offers and a
6	history of past settlement discussions, offers, and demands.
7	g. A brief statement of each party's expectations and goals for the settlement
8	conference.
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10	IT IS SO ORDERED.
11	Dated: July 19, 2017 /s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE
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