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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAKEITH L. MCCOY,  
Plaintiff,  
v.  
A. HOLGUIN, et al.,  
Defendants.

No. 1:15-cv-00768-DAD-HBK (PC)

ORDER SETTING SETTLEMENT  
CONFERENCE

Plaintiff LaKeith L. McCoy is a state prisoner proceeding *pro se* in this this civil rights action brought under 42 U.S.C. § 1983. The court has determined that this case will benefit from another settlement conference. Therefore, this case will be referred to Magistrate Judge Kendall J. Newman to conduct a settlement conference on December 15, 2021 at 9:00 a.m. The settlement conference will be conducted by remote means, with all parties appearing by Zoom video conference. The court will issue the necessary transportation order in due course. 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 December 15, 2021 at 9:00 a.m. The settlement conference will be conducted by remote means, with all parties appearing by Zoom video conference.

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- 1           2.     A representative with full and unlimited authority to negotiate and enter into a  
2           binding settlement on the defendants’ behalf shall attend in person.<sup>1</sup>
- 3           3.     Those in attendance must be prepared to discuss the claims, defenses, and  
4           damages. The failure of any counsel, party, or authorized person subject to this  
5           order to appear in person may result in the imposition of sanctions. In addition,  
6           the conference will not proceed and will be reset to another date.
- 7           4.     The parties are directed to exchange non-confidential settlement statements seven  
8           days prior to the settlement conference. These statements shall simultaneously be  
9           delivered to the court using the following email address:  
10           [kjnorders@caed.uscourts.gov](mailto:kjnorders@caed.uscourts.gov). Plaintiff shall mail his non-confidential settlement  
11           statement Attn: Magistrate Judge Kendall J. Newman, USDC CAED, 501 I Street,  
12           Suite 4-200, Sacramento, CA 95814 so that it arrives at least seven (7) days prior  
13           to the settlement conference. The envelope shall be marked “SETTLEMENT  
14           STATEMENT.” The date and time of the settlement conference shall be  
15           prominently indicated on the settlement statement. If a party desires to share  
16           additional confidential information with the court, they may do so pursuant to the  
17           provisions of Local Rule 270(d) and (e).

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19           <sup>1</sup> While the exercise of its authority is subject to abuse of discretion review, “the district court has  
20           the authority to order parties, including the federal government, to participate in mandatory  
21           settlement conferences... .” *United States v. United States District Court for the Northern*  
22           *Mariana Islands*, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir. 2012) (“the district court has broad  
23           authority to compel participation in mandatory settlement conference[s].”). The term “full  
24           authority to settle” means that the individuals attending the mediation conference must be  
25           authorized to fully explore settlement options and to agree at that time to any settlement terms  
26           acceptable to the parties. *G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.*, 871 F.2d 648, 653  
27           (7th Cir. 1989), *cited with approval in Official Airline Guides, Inc. v. Goss*, 6 F.3d 1385, 1396  
28           (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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5. The Clerk of the Court is directed to serve a copy of this order on the Litigation Office at Kern Valley State Prison via facsimile at (661) 721-4949 or via email.

IT IS SO ORDERED.

Dated: October 11, 2021

  
UNITED STATES DISTRICT JUDGE