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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DEVONTE B. HARRIS,

Plaintiff,

vs.

HUMBERTO GERMAN, et al.,

Defendants.

1:15-cv-01462-DAD-GSA-PC

ORDER SETTING SETTLEMENT  
CONFERENCE

Devonte B. Harris (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action 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 on October 15, 2020 at 1:30 p.m. The settlement conference will be conducted by remote means, to be determined at a later date and time. The Court will issue the necessary transportation order in due course.

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

- 3 1. This case is set for a settlement conference before Magistrate Judge Kendall J.  
4 Newman on October 15, 2020 at 1:30 p.m. The settlement conference will be  
5 conducted by remote means, to be determined at a later date and time.
- 6 2. A representative with full and unlimited authority to negotiate and enter into a binding  
7 settlement on the defendants' behalf shall attend in person.<sup>1</sup>
- 8 3. Those in attendance must be prepared to discuss the claims, defenses and damages.  
9 The failure of any counsel, party or authorized person subject to this order to appear in  
10 person may result in the imposition of sanctions. In addition, the conference will not  
11 proceed and will be reset to another date.
- 12 4. The parties are directed to exchange non-confidential settlement statements seven days  
13 prior to the settlement conference. These statements shall simultaneously be delivered  
14 to the court using the following email address: [kjnorders@caed.uscourts.gov](mailto:kjnorders@caed.uscourts.gov). Plaintiff  
15 shall mail his non-confidential settlement statement Attn: Magistrate Judge Kendall J.  
16 Newman, USDC CAED, 501 I Street, Suite 4-200, Sacramento, CA 95814 so that it  
17 arrives at least seven (7) days prior to the settlement conference. The envelope shall  
18 be marked "SETTLEMENT STATEMENT." The date and time of the settlement  
19 conference shall be prominently indicated on the settlement statement. If a party  
20 desires to share additional confidential information with the court, they may do so  
21 pursuant to the provisions of Local Rule 270(d) and (e).

22  
23 <sup>1</sup> While the exercise of its authority is subject to abuse of discretion review, "the district court has the authority to  
24 order parties, including the federal government, to participate in mandatory settlement conferences... ." United States  
25 v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9<sup>th</sup> Cir.  
26 2012)("the district court has broad authority to compel participation in mandatory settlement conference[s]."). The  
27 term "full authority to settle" means that the individuals attending the mediation conference must be authorized to  
28 fully explore settlement options and to agree at that time to any settlement terms acceptable to the parties. G.  
Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7<sup>th</sup> Cir. 1989), cited with 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.
6. The Clerk of the Court is directed to serve a copy of this order on the Litigation Office at California State Prison, Corcoran, via facsimile at (559) 992-7372.

IT IS SO ORDERED.

Dated: August 11, 2020

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE