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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MALIK JONES,

No. 2:08-cv-2607 MCE CKD

Plaintiff,

v.

J. MCGUIRE, et al.,

ORDER OF REFERRAL TO
SETTLEMENT WEEK AND
SETTING SETTLEMENT CONFERENCE

Defendants.

_____ /

Plaintiff is a former state prisoner proceeding pro se with an action under 42 U.S.C. §1983. The court has determined that this case would benefit from a settlement conference. Therefore, this case will be referred to District Judge Kimberly J. Mueller for the court's Settlement Week Program to conduct a settlement conference on June 14, 2013 at 10:00 a.m. at the U. S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #3.

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

1. This case is set for a settlement conference before District Judge Kimberly J. Mueller on June 14, 2013, at 10:00 a.m. at the U. S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #3.

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1 2. Defendant’s lead counsel and a person with full and unlimited authority to negotiate
2 and enter into a binding settlement on defendants’ behalf shall attend in person.¹

3 3. Those in attendance must be prepared to discuss the claims, defenses and damages.
4 The failure of any counsel, party or authorized person subject to this order to appear may result in
5 the imposition of sanctions. In addition, the conference will not proceed and will be reset to
6 another date.

7 4. Each party shall provide a confidential settlement conference statement to Sujean
8 Park, 501 I Street, Suite 4-200, Sacramento, California 95814, or via e-mail at
9 spark@caed.uscourts.gov, so they arrive no later than June 6, 2013 and file a Notice of
10 Submission of Confidential Settlement Conference Statement (See Local Rule 270(d)).

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

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

16 a. A brief statement of the facts of the case.

18 ¹ While the exercise of its authority is subject to abuse of discretion review, “the district
19 court has the authority to order parties, including the federal government, to participate in
20 mandatory settlement conferences... .” United States v. United States District Court for the
21 Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir. 2012)(“the district court has
22 broad authority to compel participation in mandatory settlement conference[s].”). The term “full
23 authority to settle” means that the individuals attending the mediation conference must be
24 authorized to fully explore settlement options and to agree at that time to any settlement terms
25 acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648,
26 653 (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. Pittman 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).

