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

ROBERT WILLIS,

Plaintiff,

No. 2:09-cv-0342 MCE DAD P

vs.

R. WEEKS,

Defendant.

ORDER SETTING

SETTLEMENT CONFERENCE

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. This case shall be referred to United States Magistrate Judge Craig M. Kellison to conduct a settlement conference.

A separate order and writ of habeas corpus ad testificandum will issue concurrently with this order.

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

1. This case is set for a settlement conference before Magistrate Judge Craig M. Kellison on October 11, 2012, at 1:00 p.m. at the U.S. District Court, 501 I Street, Sacramento, California 95814, in Courtroom #2.

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1 2. Defense counsel and a person with full and unlimited authority to negotiate and
2 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
4 damages. The failure of any counsel, party or authorized person subject to this order to appear in
5 person may result in the imposition of sanctions. In addition, the conference will not proceed
6 and will be reset to another date.

7 DATED: August 1, 2012.

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10 _____
11 DALE A. DROZD
12 UNITED STATES MAGISTRATE JUDGE

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12 will0342.med

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20 _____
21 ¹The term “full authority to settle” means that the individuals attending the mediation
22 conference must be authorized to fully explore settlement options and to agree at that time to any
23 settlement terms acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.,
24 871 F.2d 648, 653 (7th Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6
25 F. 3d 1385, 1396 (9th Cir. 1993). The individual with full authority to settle must also have
26 “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, Pittman 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).