



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

- 2 1. A settlement conference has been set for August 22, 2017 at 9:00 a.m. in Courtroom  
3 #25 before Magistrate Judge Kendall J. Newman at the U. S. District Court, 501 I  
4 Street, Sacramento, California 95814.
- 5 2. Plaintiff shall have the choice to attend the settlement conference in person or by  
6 video. Within ten days after the filing date of this order, plaintiff shall return the  
7 attached form notifying the court whether he would like to attend the settlement  
8 conference in person or by video. If plaintiff chooses to appear by video and video  
9 conferencing is not available, he may appear by telephone. If plaintiff does not return  
10 the form telling the court how he would like to attend the conference, the court will  
11 issue orders for plaintiff to appear by video.
- 12 3. A representative with full and unlimited authority to negotiate and enter into a binding  
13 settlement shall attend in person.<sup>1</sup>
- 14 4. Those in attendance must be prepared to discuss the claims, defenses and damages.  
15 The failure of any counsel, party or authorized person subject to this order to appear in  
16 person may result in the imposition of sanctions. In addition, the conference will not  
17 proceed and will be reset to another date.
- 18 5. The parties are directed to exchange non-confidential settlement statements seven days  
19 prior to the settlement conference. These statements shall simultaneously be delivered  
20 to the court using the following email address: [kjnorders@caed.uscourts.gov](mailto:kjnorders@caed.uscourts.gov). Plaintiff

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22 <sup>1</sup> While the exercise of its authority is subject to abuse of discretion review, “the district court has the authority to  
23 order parties, including the federal government, to participate in mandatory settlement conferences... .” United States  
24 v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9<sup>th</sup> Cir.  
25 2012)(“the district court has broad authority to compel participation in mandatory settlement conference[s].”). The  
26 term “full authority to settle” means that the individuals attending the mediation conference must be authorized to  
27 fully explore settlement options and to agree at that time to any settlement terms acceptable to the parties. G.  
28 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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shall mail his non-confidential settlement statement to arrive not less than seven days prior to the settlement conference, addressed to Magistrate Judge Kendall J. Newman, USDC CAED, 501 I Street, Suite 4-200, Sacramento, CA 95814. The envelope shall be marked "Settlement Statement." If a party desires to share additional confidential information with the court, they may do so pursuant to the provisions of Local Rule 270(d) and (e).

Dated: May 8, 2017

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

