

1 Magistrate Judge Carolyn K. Delaney.

- 2 2. Parties are instructed to have a principal with full settlement authority present at the
3 Settlement Conference or to be fully authorized to settle the matter on any terms. The
4 individual with full authority to settle must also have “unfettered discretion and
5 authority” to change the settlement position of the party, if appropriate. The purpose
6 behind requiring the attendance of a person with full settlement authority is that the
7 parties’ view of the case may be altered during the face to face conference. An
8 authorization to settle for a limited dollar amount or sum certain can be found not to
9 comply with the requirement of full authority to settle.¹
- 10 3. Those in attendance must be prepared to discuss the claims, defenses and damages.
11 The failure of any counsel, party or authorized person subject to this order to appear in
12 person may result in the imposition of sanctions. In addition, the conference will not
13 proceed and will be reset to another date.
- 14 4. Parties are directed to submit confidential settlement statements using the following
15 email address: ckdorders@caed.uscourts.gov. If a party desires to share additional
16 confidential information with the Court, they may do so pursuant to the provisions of
17 Local Rule 270(d) and (e). Statements are due at least 7 days prior to the Settlement
18 Conference. Upon submission of confidential settlement statements, each party shall
19 file on the docket a “Notice of Submission of Confidential Settlement Statement” (See
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21 ¹ While the exercise of its authority is subject to abuse of discretion review, “the district court has the
22 authority to order parties, including the federal government, to participate in mandatory settlement
23 conferences... .” United States v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051,
24 1053, 1057, 1059 (9th Cir. 2012)(“the district court has broad authority to compel participation in mandatory
25 settlement conference[s].”). The term “full authority to settle” means that the individuals attending the
26 mediation conference must be authorized to fully explore settlement options and to agree at that time to any
27 settlement terms acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648,
28 653 (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. 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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Local Rule 270(d)).

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

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

- a. A brief statement of the facts of the case.
- b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon which the claims are founded; a forthright evaluation of the parties’ likelihood of prevailing on the claims and defenses; and a description of the major issues in dispute.
- c. A summary of the proceedings to date.
- d. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
- e. The relief sought.
- f. The party’s position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands.
- g. A brief statement of each party’s expectations and goals for the settlement conference.

Dated: February 27, 2015


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE