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

TROY COOPER,

Plaintiff,

No. 2:10-cv-1057 DAD P

vs.

KAUR, et al.,

Defendants.

ORDER SETTING
SETTLEMENT CONFERENCE ON
JANUARY 17, 2013 AT 1:00 P.M.

_____/

Plaintiff is a state prisoner proceeding *pro se* in a civil rights action pursuant to 42 U.S.C. § 1983. On July 6, 2012, the undersigned issued an order requiring the parties to inform the court whether they wished to proceed with a mandatory settlement conference before the undersigned or have the case referred to the court’s mediation program. On July 18, 2012, plaintiff filed a declaration requesting referral to the court mediation program. On July 26, 2012, defendant filed a declaration which requested to have a judge other than the undersigned preside over a settlement conference in this case.

Therefore, this case will be referred to Magistrate Judge Craig M. Kellison to conduct a settlement conference at the U. S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #2 on January 17, 2013 at 1:00 p.m.

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

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

4 1. This case is set for a settlement conference before Magistrate Judge Craig M.
5 Kellison on January 17, 2013, at 1:00 p.m. at the U. S. District Court, 501 I Street, Sacramento,
6 California 95814 in Courtroom #2;

7 2. Defendant's lead counsel and a person with full and unlimited authority to
8 negotiate and enter into a binding settlement on defendant's behalf shall attend in person;¹

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

13 DATED: October 17, 2012.

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15 
16 _____
17 DALE A. DROZD
18 UNITED STATES MAGISTRATE JUDGE

16 DAD:dpw
17 coop1057.med

19 ¹ While the exercise of its authority is subject to abuse of discretion review, "the district
20 court has the authority to order parties, including the federal government, to participate in
21 mandatory settlement conferences. . ." United States v. United States District Court for the
22 Northern Mariana Islands, __ F.3d __, 2012 WL 3984406 at *1 (9th Cir. Sept. 12, 2012), amended
23 by, __ F.3d __, 2012 WL 4873595 (9th Cir. Oct. 16, 2012). The term "full authority to settle"
24 means that the individuals attending the settlement conference must be authorized to fully
25 explore settlement options and to agree at that time to any settlement terms acceptable to the
26 parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989),
cited with approval in, Official Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396-97 (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., Civ. No. 02-1886, 2003 WL 23353478 (D. Ariz. Oct. 3, 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. See Pitman, 216 F.R.D. at 486.