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9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
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12 FREDDIE LEE WILLIAMSON,

13 Plaintiff,

14 v.

15 M.I. MARTINEZ,

16 Defendant.
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No. 2:11-cv-1079-JAM-EFB P

ORDER SETTING SETTLEMENT
CONFERENCE

18 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
19 U.S.C. § 1983. On October 31, 2014, parties were required to notify the court whether a
20 settlement conference would be beneficial. (ECF No. 90.) After a review of the parties'
21 responses, the court has determined that this case would benefit from a settlement conference.
22 Therefore, this case will be referred to Magistrate Judge Craig M. Kellison to conduct a
23 settlement conference at the U. S. District Court, 501 I Street, Sacramento, California 95814 in
24 Courtroom #9 on February 26, 2015 at 1:00 p.m.

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

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

- 3 1. This case is set for a settlement conference before Magistrate Judge Craig M. Kellison
4 on February 26, 2015 at 1:00 p.m. at the U. S. District Court, 501 I Street, Sacramento,
5 California 95814 in Courtroom #9.
- 6 2. A representative with full and unlimited authority to negotiate and enter into a binding
7 settlement on the defendants' behalf shall attend in person.¹
- 8 3. Those in attendance must be prepared to discuss the claims, defenses and damages.
9 The failure of any counsel, party or authorized person subject to this order to appear in
10 person may result in the imposition of sanctions. In addition, the conference will not
11 proceed and will be reset to another date.
- 12 4. Judge Kellison or another representative from the court will be contacting the parties
13 either by telephone or in person, approximately one week prior to the settlement
14 conference, to ascertain each party's expectations of the settlement conference.

15 DATED: December 4, 2014.

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17 EDMUND F. BRENNAN
18 UNITED STATES MAGISTRATE JUDGE
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23 ¹ While the exercise of its authority is subject to abuse of discretion review, "the district court has the authority to
24 order parties, including the federal government, to participate in mandatory settlement conferences..." United States
25 v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir.
26 2012)("the district court has broad authority to compel participation in mandatory settlement conference[s]"). The
27 term "full authority to settle" means that the individuals attending the mediation conference must be authorized to
28 fully explore settlement options and to agree at that time to any settlement terms acceptable to the 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 (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).