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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE WOODSON,

 Plaintiff,

 v.

A. NANGALAMA,

 Defendant.

No. 2:11-cv-1589 MCE KJN P

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff is a state prisoner, proceeding without counsel. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. The court has determined that this case will benefit from a settlement conference. Therefore, this case will be set for a settlement conference before the undersigned to occur at the U.S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #25 on June 14, 2017 at 9:30 a.m.

Parties will be required to file a signed "Waiver of Disqualification" (attached below), no later than May 31, 2017.

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:

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- 1 1. This case is set for a settlement conference before the undersigned to occur on June
2 14, 2017, at 9:30 a.m., at the U. S. District Court, 501 I Street, Sacramento, California
3 95814 in Courtroom #25.
- 4 2. Parties are required to file a signed “Waiver of Disqualification” no later than May 31,
5 2017.
- 6 3. A representative with full and unlimited authority to negotiate and enter into a binding
7 settlement shall attend in person¹.
- 8 4. 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 5. The parties are directed to exchange non-confidential settlement statements seven days
13 prior to the settlement conference. These statements shall simultaneously be delivered
14 to the court using the following email address: kjnorders@caed.uscourts.gov. Plaintiff
15 shall mail his non-confidential settlement statement to arrive not less than seven days
16 prior to the settlement conference, addressed to Magistrate Judge Kendall J. Newman,
17 USDC CAED, 501 I Street, Suite 4-200, Sacramento, CA 95814. The envelope shall

18 ¹ While the exercise of its authority is subject to abuse of discretion review, “the district court has
19 the authority to order parties, including the federal government, to participate in mandatory
20 settlement conferences. . . .” United States v. United States District Court for the Northern
21 Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir. 2012) (“the district court has broad
22 authority to compel participation in mandatory settlement conference[s].”). The term “full
23 authority to settle” means that the individuals attending the mediation conference must be
24 authorized to fully explore settlement options and to agree at that time to any settlement terms
25 acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653
26 (7th Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396
27 (9th Cir. 1993). The individual with full authority to settle must also have “unfettered discretion
28 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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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: March 28, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF CALIFORNIA

MAURICE WOODSON,
Plaintiff,
v.
A. NANGALAMA,
Defendant.

No. 2:11-cv-1589 MCE KJN P

WAIVER OF DISQUALIFICATION

Under Local Rule 270(b) of the Eastern District of California, the parties to the herein action affirmatively request that Magistrate Judge Kendall J. Newman participate in the settlement conference scheduled for June 14, 2017. To the extent the parties consent to trial of the case before the assigned Magistrate Judge, they waive any claim of disqualification to the assigned Magistrate Judge trying the case thereafter.

By: _____
Plaintiff
Dated: _____

By: _____
Attorney for Defendants
Dated: _____