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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CURTIS J. WILLIAMS,
Plaintiff,
v.
C/O T. YOUNG, et al.,
Defendants.

No. 2:12-cv-0318 JAM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel. The parties have filed pretrial statements indicating that a settlement conference would be beneficial. The undersigned has reviewed the record and finds good cause exists to schedule this matter for a settlement conference. Therefore, the pretrial conference on the papers is vacated and will be reset, if appropriate, following the settlement conference.

Accordingly, IT IS HEREBY ORDERED that:

1. This matter is set for a settlement conference before the undersigned on November 17, 2016, at 9:00 a.m., at the United States District Court, 502 I Street, Sacramento, California 95814 in Courtroom #25;

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1 2. The parties are required to file an election regarding waiver of disqualification, no later
2 than July 30, 2016.¹ If a party files a notice of non-waiver of disqualification, a randomly
3 selected magistrate judge will be assigned to conduct the settlement conference on a date and time
4 to be determined by the court.

5 3. A representative with full and unlimited authority to negotiate and enter into a binding
6 settlement shall attend in person.² Those in attendance must be prepared to discuss the claims,
7 defenses and damages. The failure of any counsel, party or authorized person subject to this
8 order to appear in person may result in the imposition of sanctions. In addition, the conference
9 will not proceed and will be reset to another date.

10 4. The parties are directed to exchange non-confidential settlement statements seven days
11 prior to the settlement conference. These statements shall simultaneously be delivered to the
12 court using the following email address: kjnorders@caed.uscourts.gov. Plaintiff shall mail his
13 non-confidential settlement statement to arrive not less than seven days prior to the settlement
14 conference, addressed to Magistrate Judge Kendall J. Newman, USDC CAED, 501 I Street, Suite
15 4-200, Sacramento, CA 95814. The envelope shall be marked "Settlement Statement." If a party

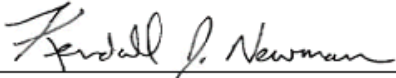
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18 ¹ A proposed election form is appended to this order.

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

1 desires to share additional confidential information with the court, they may do so pursuant to the
2 provisions of Local Rule 270(d) and (e).

3 Dated: July 6, 2016

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6 KENDALL J. NEWMAN
7 UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CURTIS J. WILLIAMS,
Plaintiff,
v.
C/O T. YOUNG, et al.,
Defendants.

No. 2:12-cv-0318 JAM KJN P
Election re Waiver of Disqualification

The parties notify the court of the following election:

____ Pursuant to Local Rule 270(b) of the Eastern District of California, the party signing below affirmatively requests that the assigned Magistrate Judge participate in the settlement conference and further, the parties waive any claim of disqualification to the assigned Magistrate Judge trying the case thereafter.

OR

____ The party signing below requests that a different judge hold the settlement conference.

DATED:

By: _____