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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN ALLEN,
Plaintiff,
v.
T. VIRGA, et al.,
Defendants.

No. 2:12-cv-1583 TLN AC P

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff is a state prisoner proceeding pro se in this civil rights action 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 referred to Magistrate Judge Kendall J. Newman for the Court’s Settlement Week program to conduct a settlement conference at the U. S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #25 on June 4, 2015 at 9:00 a.m.

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:

1. This case is set for a settlement conference before Magistrate Judge Kendall J. Newman on June 4, 2015 at 9:00 a.m. at the U. S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #25.
2. A representative with full and unlimited authority to negotiate and enter into a binding

1 settlement shall attend in person.¹

- 2 3. Those in attendance must be prepared to discuss the claims, defenses and damages.
3 The failure of any counsel, party or authorized person subject to this order to appear in
4 person may result in the imposition of sanctions. In addition, the conference will not
5 proceed and will be reset to another date.
- 6 4. The parties are directed to exchange non-confidential settlement statements seven days
7 prior to this settlement conference. These statements shall simultaneously be
8 delivered to the court using the following email address:
9 kjnorders@caed.uscourts.gov. Plaintiff shall mail his non-confidential settlement
10 statement to arrive not less than seven days prior to the settlement conference,
11 addressed to Magistrate Judge Kendall J. Newman, USDC CAED, 501 I Street, Suite
12 4-200, Sacramento, CA 95814. The envelope shall be marked "Settlement
13 Statement." If a party desires to share additional confidential information with the
14 court, they may do so pursuant to the provisions of Local Rule 270(d) and (e).

15 DATED: April 15, 2015

16 
17 ALLISON CLAIRE
18 UNITED STATES MAGISTRATE JUDGE

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