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

MARY MOULTON,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 2:12-CV-2596-TLN-CMK

ORDER SETTING SETTLEMENT  
CONFERENCE

On April 23, 2014, a Minute Order was issued directing the parties to inform the court's ADR Division if they believe participation in a Settlement Conference would be beneficial. Pursuant to the parties' request, a Settlement Conference will be set for May 16, 2014 at 9:30 AM in Courtroom 26 (CKD) before Magistrate Judge Carolyn K. Delaney.

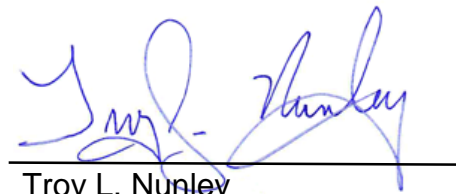
In accordance with the above, IT IS HEREBY ORDERED that:

1. A Settlement Conference has been SET for May 16, 2014 at 9:30 AM in Courtroom 26 (CKD) before Magistrate Judge Carolyn K. Delaney.
2. Parties are instructed to have a principal with full settlement authority present at the Settlement Conference or to be fully authorized to settle the matter on any terms. The individual with full authority to settle must also have "unfettered discretion and authority" to change the settlement position of the party, if appropriate. The purpose

1 behind requiring the attendance of a person with full settlement authority is that the  
2 parties' view of the case may be altered during the face to face conference. An  
3 authorization to settle for a limited dollar amount or sum certain can be found not to  
4 comply with the requirement of full authority to settle.<sup>1</sup>

- 5 3. The parties are directed to submit their confidential settlement conference statements  
6 to the Court using the following email address: ckdorders@caed.uscourts.gov. If a  
7 party desires to share additional confidential information with the Court, they may do  
8 so pursuant to the provisions of Local Rule 270(d) and (e). Statements are due at least  
9 7 days prior to the Settlement Conference.

10 Dated: May 1, 2014

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15 Troy L. Nunley  
16 United States District Judge

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21 <sup>1</sup> While the exercise of its authority is subject to abuse of discretion review, "the district court has the  
22 authority to order parties, including the federal government, to participate in mandatory settlement  
23 conferences... ." United States v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051,  
24 1053, 1057, 1059 (9<sup>th</sup> Cir. 2012)("the district court has broad authority to compel participation in mandatory  
25 settlement conference[s]"). The term "full authority to settle" means that the individuals attending the  
26 mediation conference must be authorized to fully explore settlement options and to agree at that time to any  
27 settlement terms acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648,  
28 653 (7<sup>th</sup> Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9<sup>th</sup> 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 (8<sup>th</sup> Cir. 2001).