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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMONT L. CALHOUN,
Plaintiff,
v.
M. GOMEZ, et al.,
Defendants.

No. 2:12-cv-2856 GEB DB P

ORDER SCHEDULING SETTLEMENT
CONFERENCE

Plaintiff is a state prisoner proceeding pro se and in forma pauperis 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 Craig M. Kellison to conduct a settlement conference at the U. S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #4 on March 30, 2017 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 Craig M. Kellison on March 30, 2017 at 9:00 a.m. at the U. S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #4.

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1 2. A representative with full and unlimited authority to negotiate and enter into a
2 binding settlement on the defendants' behalf shall attend in person.¹

3 3. Those in attendance must be prepared to discuss the claims, defenses, and
4 damages. The failure of any counsel, party or authorized person subject to this order to appear in
5 person may result in the imposition of sanctions. In addition, the conference will not proceed and
6 will be reset to another date.

7 4. Judge Kellison or another representative from the court will be contacting the
8 parties either by telephone or in person, approximately two weeks prior to the settlement
9 conference, to ascertain each party's expectations of the settlement conference.

10 The dispositive motion deadline is vacated and reset to 28 days following the conclusion
11 of the settlement conference.

12 Dated: March 17, 2017

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16 DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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20 ¹ While the exercise of its authority is subject to abuse of discretion review, “the district court has
21 the authority to order parties, including the federal government, to participate in mandatory
22 settlement conferences[.]” United States v. United States District Court for the Northern Mariana
23 Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir. 2012)(“the district court has broad authority to
24 compel participation in mandatory settlement conference[s].”). The term “full authority to settle”
25 means that the individuals attending the mediation conference must be authorized to fully explore
26 settlement options and to agree at that time to any settlement terms acceptable to the parties. G.
27 Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989) (cited with
28 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. Pitman v. Brinker Int’l, Inc., 216
F.R.D. 481, 485-86 (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. Id. 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).