



1 City of Sacramento. ECF No. 19. In light of this information, on December 4, 2013, the court  
2 ordered defendant to again respond to plaintiff's request to settle, and to include in its response  
3 whether it would be appropriate for the court to schedule an early settlement conference for this  
4 action. ECF No. 23. Plaintiff was granted seven days from the date of defendant's response to  
5 submit a reply. *Id.*

6 On December 16, 2013, defendant filed with the court a letter that was sent to plaintiff  
7 offering to settle "for \$2,000 total in exchange for a dismissal of [the action], a waiver of all  
8 claims associated with the termination of [plaintiff's] employment with the City, and a general  
9 release of liability." ECF No. 24. Defendant also stated that if plaintiff was unwilling to settle on  
10 the terms presented in the letter "it would be appropriate for the Court to schedule an early  
11 settlement conference." *Id.* On December 27, 2013, plaintiff filed his letter response thereto,  
12 dated December 23, 2013, also indicating that he "would like to settle the case, and need[s] to  
13 understand the terms mentioned" in defendant's December 16, 2013 letter. ECF No. 25. Also on  
14 December 27, 2013, plaintiff filed a motion to amend his complaint which again requests  
15 assistance from the court with settling this action. ECF No. 26.

16 On January 30, 2014, plaintiff filed a second letter, dated January 23, 2014, that  
17 purportedly responds to a letter defendant mailed on January 7, 2014. ECF No. 27. In his letter,  
18 plaintiff requests a meeting with defendant to discuss his communications with the EEOC and the  
19 amended complaint he filed on December 27, 2013. *Id.* The court was not provided with a copy  
20 of defendant's January 7, 2014 letter.

21 As noted above, the court has stayed the deadline for the filing of plaintiff's amended  
22 complaint pending resolution of the parties' settlement discussions. ECF No. 17. It appears from  
23 the parties' communications that they are currently engaged in settlement negotiations but those  
24 negotiations have been complicated by having to communicate by letter. The court will therefore  
25 deny plaintiff's motion to amend his complaint without prejudice, meaning plaintiff will have the  
26 opportunity to re-file an amended complaint following the conclusion of the parties' settlement  
27 discussions. If the parties are unable to settle this action, the court will issue an order setting a  
28 deadline for the filing of plaintiff's amended complaint.

1           Considering the settlement discussions undertaken by the parties thus far, the court has  
2 determined that this case will benefit from a court supervised settlement conference. The parties  
3 shall have fourteen days from the date of this order to inform the court, pursuant to Local Rule  
4 270(b),<sup>1</sup> whether they waive disqualification of the undersigned conducting a settlement  
5 conference, or whether the settlement conference should be randomly assigned to another  
6 magistrate judge. Thereafter, the court will issue an order setting a settlement conference.

7           Accordingly, IT IS HEREBY ORDERED that:

- 8           1. Plaintiff's December 27, 2013 motion to amend the complaint (ECF No. 26) is denied  
9 without prejudice; and
- 10           2. Within fourteen days of the date of this order, the parties shall inform the court whether  
11 they waive disqualification of the undersigned to conduct a settlement conference or whether the  
12 court should randomly assign another magistrate judge.

13 Dated: February 24, 2014.

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15 EDMUND F. BRENNAN  
16 UNITED STATES MAGISTRATE JUDGE

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27 <sup>1</sup> Local Rule 270(b) provides: “**Settlement Conferences Before the Assigned Judge or**  
28 **Magistrate Judge.** Unless all the parties affirmatively request that the assigned Judge or  
Magistrate Judge participate in the conference and waive in writing any claim of disqualification  
on that basis to act as Judge or Magistrate Judge in the action thereafter, the assigned Judge or  
Magistrate Judge shall not conduct the settlement conference.”