1			
2			
3			
4			
5			
6			
7			
8			
9	UNITED STATES DISTRICT COURT		
10	FOR THE EASTERN DISTRICT OF CALIFORNIA		
11			
12	DAVID ALLEN THOMPSON, SR.,	No. 2:13-cv-1951 MCE CKD P	
13	Plaintiff,		
14	v.	ORDER SETTING SETTLEMENT CONFERENCE	
15	SCOTT R. JONES, et al.,	<u></u>	
16	Defendants.		
17			
18	Plaintiff is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. §		
19	1983. The court has determined that this case will benefit from a settlement conference.		
20	Accordingly IT IS HEREBY ORDERED that:		
21	1. This case is set for a settlement conference before Magistrate Judge Craig M. Kellison		
22	on February 12, 2015 at 1:00 p.m. at the U. S. District Court, 501 I Street, Sacramento,		
23	California, 95814 in Courtroom #9.		
24	2. A representative with full and unlimited authority to negotiate and enter into a binding		
25			
26	While the exercise of its authority is subject to abuse of discretion review, "the district court has the authority to order parties, including the federal government, to participate in mandatory settlement conferences" <u>United States</u>		
27	v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir. 2012) (district court has broad authority to compel participation in mandatory settlement conference). The term "full		
28	authority to settle" means that the individuals attending the mediation conference must be authorized to fully explore settlement options and to agree at that time to any settlement terms acceptable to the parties. G. Heileman Brewing		

- 3. Those in attendance must be prepared to discuss the claims, defenses and damages.

  The failure of any counsel, party or authorized person subject to this order to appear in person may result in the imposition of sanctions. In addition, the conference will not proceed and will be reset to another date.
- 4. Judge Kellison or another representative from the court will be contacting the parties either by telephone or in person, approximately one week prior to the settlement conference, to ascertain each party's expectations of the settlement conference.

Dated: November 26, 2014

CAROLYN K. DELANEY

UNITED STATES MAGISTRATE JUDGE

1/sp

Thom1951.set

Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th 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. 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).