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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THADDEUS BOUDREAUX,
Plaintiff,
v.
MATTHEW CATE, et al.,
Defendants.

No. 2:14-cv-0997 GEB DB P

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 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 to conduct a settlement conference at the U.S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #25 on May 23, 2017 at 9:00 a.m.

A separate order and writ of habeas corpus ad testificandum will issue concurrently with this order.

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

- 2 1. This case is set for a settlement conference before Magistrate Judge Kendall J.
3 Newman on May 23, 2017 at 9:00 a.m. at the U.S. District Court, 501 I Street,
4 Sacramento, California 95814 in Courtroom #25.
- 5 2. A representative with full and unlimited authority to negotiate and enter into a binding
6 settlement shall attend in person.¹
- 7 3. Those in attendance must be prepared to discuss the claims, defenses, and damages.
8 The failure of any counsel, party, or authorized person subject to this order to appear
9 in person may result in the imposition of sanctions. In addition, the conference will
10 not proceed and will be reset to another date.
- 11 4. The parties are directed to exchange non-confidential settlement statements seven days
12 prior to the settlement conference. These statements shall simultaneously be delivered
13 to the court using the following email address: kjnorders@caed.uscourts.gov. Plaintiff
14 shall mail his non-confidential settlement statement to arrive not less than seven days
15 prior to the settlement conference, addressed to Magistrate Judge Kendall J. Newman,
16 USDC CAED, 501 I Street, Suite 4-200, Sacramento, CA 95814. The envelope shall

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18 ¹ While the exercise of its authority is subject to abuse of discretion review, “the district court has
19 the authority to order parties, including the federal government, to participate in mandatory
20 settlement conferences. . . .” United States v. United States District Court for the Northern
21 Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir. 2012)(“the district court has broad
22 authority to compel participation in mandatory settlement conference[s].”). The term “full
23 authority to settle” means that the individuals attending the mediation conference must be
24 authorized to fully explore settlement options and to agree at that time to any settlement terms
25 acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653
26 (7th Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9th
27 Cir. 1993). The individual with full authority to settle must also have “unfettered discretion and
28 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., No. CV02-1886 PHX DGC, 2003 WL 23353478 (D. Ariz. Oct. 3, 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).

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be marked "Settlement Statement." If a party desires to share additional confidential information with the court, they may do so pursuant to the provisions of Local Rule 270(d) and (e).

5. Within 7 days from the date of this order, defendants must contact the court if plaintiff wishes to participate by video and videoconferencing is available at plaintiff's institution on the date and time of the settlement conference.
6. This case is stayed pending the completion of the settlement conference. The case deadlines will be reset following the settlement conference, if necessary.

Dated: March 9, 2017


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:9
DLB1/prisoner-civil rights/boud0997.med