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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLARENCE ROBERSON,
Plaintiff,
v.
SGT. SINGH, et al.,
Defendants.

No. 2:14-cv-2302 WBS KJN P

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff is a state prisoner, proceeding without counsel, with a 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 is set for a settlement conference with Magistrate Judge Kendall J. Newman on June 30, 2015, at 9:00 a.m. at the U.S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #25.

The parties are required to file a signed Waiver of Disqualification (included below), or notice of non-waiver of disqualification, no later than June 1, 2015. If the parties file a notice of non-waiver of disqualification, a randomly selected magistrate judge will be assigned to conduct the settlement conference on a date and time to be determined by the court.

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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 June 30, 2015, at 9:00 a.m., at the U. S. District Court, 501 I Street, Sacramento,
4 California 95814 in Courtroom #25.

5 2. The parties are required to file a signed Waiver of Disqualification, no later than June
6 1, 2015. If parties file a notice of non-waiver of disqualification, a randomly selected magistrate
7 judge will be assigned to conduct the settlement conference on a date and time to be determined
8 by the court.

9 3. A representative with full and unlimited authority to negotiate and enter into a binding
10 settlement shall attend in person.¹


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

15 5. The parties are directed to exchange non-confidential settlement statements seven days
16 prior to the settlement conference. These statements shall simultaneously be delivered to the
17 court using the following email address: kjnorders@caed.uscourts.gov. Plaintiff shall mail his
18 non-confidential settlement statement to arrive not less than seven days prior to the settlement
19 conference, addressed to Magistrate Judge Kendall J. Newman, USDC CAED, 501 I Street, Suite
20

21 ¹ 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 (9th 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 (7th Cir. 1989), cited with 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), 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).

1 4-200, Sacramento, CA 95814. The envelope shall be marked "Settlement Statement." If a party
2 desires to share additional confidential information with the court, they may do so pursuant to the
3 provisions of Local Rule 270(d) and (e).

4 Dated: May 18, 2015


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
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CLARENCE ROBERSON,
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No. 2:14-cv-2302 WBS KJN P

WAIVER OF DISQUALIFICATION

Under Local Rule 270(b) of the Eastern District of California, the parties to the herein action affirmatively request that Magistrate Judge Newman participate in the settlement conference scheduled for June 30, 2015. To the extent the parties consent to trial of the case before the assigned magistrate judge, they waive any claim of disqualification to the assigned magistrate judge trying the case thereafter.

By: _____
Plaintiff

Dated: _____

By:
4

Attorney for defendants

Dated: _____

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