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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BERLAN LYNELL DICEY,  
Plaintiff,  
v.  
C. RAYNER, et al.,  
Defendants.

No. 2:15-cv-0927 TLN CKD P

ORDER SETTING  
SETTLEMENT CONFERENCE

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights 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 June 19, 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 Kendall J. Newman on June 19, 2017 at 9:00 a.m. at the U. S. District Court, 501 I Street, Sacramento, California 95814 in Courtroom #25.

- 1           2. Plaintiff is to appear at the settlement conference by video conference from his present  
2           place of confinement.
- 3           3. A representative with full and unlimited authority to negotiate and enter into a binding  
4           settlement on the defendants’ behalf shall attend in person.<sup>1</sup>
- 5           4. Those in attendance must be prepared to discuss the claims, defenses and damages.  
6           The failure of any counsel, party or authorized person subject to this order to appear in  
7           person may result in the imposition of sanctions. In addition, the conference will not  
8           proceed and will be reset to another date.
- 9           5. The parties are directed to exchange non-confidential settlement statements seven days  
10          prior to the settlement conference. These statements shall simultaneously be delivered  
11          to the court using the following email address: [kjnorders@caed.uscourts.gov](mailto:kjnorders@caed.uscourts.gov). Plaintiff  
12          shall mail his non-confidential settlement statement to arrive not less than seven days  
13          prior to the settlement conference, addressed to Magistrate Judge Kendall J. Newman,  
14          USDC CAED, 501 I Street, Suite 4-200, Sacramento, CA 95814. The envelope shall  
15          be marked “Settlement Statement”. If a party desires to share additional confidential  
16          information with the court, they may do so pursuant to the provisions of Local Rule  
17          270(d) and (e).

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22       <sup>1</sup> While the exercise of its authority is subject to abuse of discretion review, “the district court has the authority to  
23       order parties, including the federal government, to participate in mandatory settlement conferences...” United States  
24       v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9<sup>th</sup> Cir.  
25       2012)(“the district court has broad authority to compel participation in mandatory settlement conference[s].”). The  
26       term “full authority to settle” means that the individuals attending the mediation conference must be authorized to  
27       fully explore settlement options and to agree at that time to any settlement terms acceptable to the parties. G.  
28       Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7<sup>th</sup> 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. 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 (8<sup>th</sup> Cir. 2001).

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6. The pretrial motion deadline is vacated and reset for 30 days following the completion of the settlement conference.

Dated: March 31, 2017

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE