



1 Settlement Conference or to be fully authorized to settle the matter on any terms. The  
2 individual with full authority to settle must also have “unfettered discretion and  
3 authority” to change the settlement position of the party, if appropriate. The purpose  
4 behind requiring the attendance of a person with full settlement authority is that the  
5 parties’ view of the case may be altered during the face to face conference. An  
6 authorization to settle for a limited dollar amount or sum certain can be found not to  
7 comply with the requirement of full authority to settle<sup>1</sup>.

- 8 3. Parties are directed to submit confidential settlement statements no later than March 6,  
9 2017 to [ckdorders@caed.uscourts.gov](mailto:ckdorders@caed.uscourts.gov). Plaintiff shall mail his confidential settlement  
10 statement Attn: Magistrate Judge Carolyn K. Delaney, USDC CAED, 501 I Street,  
11 Suite 4-200, Sacramento, California 95814 so it arrives no later than March 6, 2017.  
12 The envelope shall be marked “CONFIDENTIAL SETTLEMENT CONFERENCE  
13 STATEMENT.” If a party desires to share additional confidential information with  
14 the Court, they may do so pursuant to the provisions of Local Rule 270(d) and (e).  
15 Parties are also directed to file a “Notice of Submission of Confidential Settlement  
16 Statement” (See L.R. 270(d)).

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18 Settlement statements **should not be filed** with the Clerk of the Court **nor served on**  
19 **any other party**. Settlement statements shall be clearly marked “confidential” with  
20 the date and time of the settlement conference indicated prominently thereon.

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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).

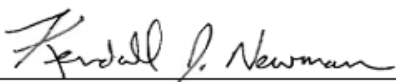
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The confidential settlement statement shall be **no longer than five pages** in length, typed or neatly printed, and include the following:

- a. A brief statement of the facts of the case.
- b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon which the claims are founded; a forthright evaluation of the parties' likelihood of prevailing on the claims and defenses; and a description of the major issues in dispute.
- c. A summary of the proceedings to date.
- d. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
- e. The relief sought.
- f. The party's position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands.
- g. A brief statement of each party's expectations and goals for the settlement conference.

Dated: December 23, 2016

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE