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2 separate order and writ of habeas corpus ad testificandum will issue once it has been determined  
3 how plaintiff will appear.

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

- 5 1. This case is set for a settlement conference before Magistrate Judge Carolyn K.  
6 Delaney on January 31, 2019 at 9:30 a.m. at the U. S. District Court, 501 I Street,  
7 Sacramento, California 95814 in Courtroom #24.
- 8 2. Parties are instructed to have a principal with full settlement authority present at the  
9 Settlement Conference or to be fully authorized to settle the matter on any terms. The  
10 individual with full authority to settle must also have “unfettered discretion and  
11 authority” to change the settlement position of the party, if appropriate. The purpose  
12 behind requiring the attendance of a person with full settlement authority is that the  
13 parties’ view of the case may be altered during the face to face conference. An  
14 authorization to settle for a limited dollar amount or sum certain can be found not to  
15 comply with the requirement of full authority to settle<sup>1</sup>.
- 16 3. Plaintiff shall have the choice to attend the settlement conference in person or by  
17 video. Within ten days after the filing date of this order, plaintiff shall return the  
18 attached form notifying the court whether he would like to attend the settlement  
19 conference in person or by video. If plaintiff chooses to appear by video and video  
20 conferencing is not available, he may appear by telephone. If plaintiff does not return  
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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  
23 authority to order parties, including the federal government, to participate in mandatory settlement  
24 conferences... ” United States v. United States District Court for the Northern Mariana Islands, 694 F.3d 1051,  
25 1053, 1057, 1059 (9<sup>th</sup> Cir. 2012)(“the district court has broad authority to compel participation in mandatory  
26 settlement conference[s].”). The term “full authority to settle” means that the individuals attending the  
27 mediation conference must be authorized to fully explore settlement options and to agree at that time to any  
28 settlement terms acceptable to the parties. G. 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 form telling the court how he would like to attend the conference, the court will issue orders for plaintiff to appear by video.

- 4. Parties are directed to submit confidential settlement statements no later than January 24, 2019 to [ckdorders@caed.uscourts.gov](mailto:ckdorders@caed.uscourts.gov). Plaintiff shall mail his confidential settlement statement Attn: Magistrate Judge Carolyn K. Delaney, USDC CAED, 501 I Street, Suite 4-200, Sacramento, California 95814 so it arrives no later than January 24, 2019. The envelope shall be marked “CONFIDENTIAL SETTLEMENT STATEMENT.” Parties are also directed to file a “Notice of Submission of Confidential Settlement Statement” (See L.R. 270(d)).

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

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.

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- 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, including how much a party is willing to accept and/or willing to pay.
- h. If the parties intend to discuss the joint settlement of any other actions or claims not in this suit, give a brief description of each action or claim as set forth above, including case number(s) if applicable.

DATED: December 6, 2018.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ETUATE SEKONA,  
Plaintiff,  
v.  
JOE A. LIZARRAGA, et al.,  
Defendants.

No. 2:17-cv-00346-KJM-EFB P

PLAINTIFF'S NOTICE ON TYPE OF  
APPEARANCE AT SETTLEMENT  
CONFERENCE

Check one:

\_\_\_\_\_ Plaintiff would like to participate in the settlement conference in person.

\_\_\_\_\_ Plaintiff would like to participate in the settlement conference by video/telephone.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Etuat Sekona  
Plaintiff pro se