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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WAYNE JEROME ROBERTSON,
Plaintiff,
v.
T. KRAUSE,
Defendant.

No. 2:17-cv-01426 WBS DB P

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff is a state prisoner proceeding pro se 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 Carolyn K. Delaney to conduct a settlement conference on September 20, 2021 at 9:30 a.m. The settlement conference will be conducted by video conference.

The court will issue a separate order and writ of habeas corpus ad testificandum to secure plaintiff's video presence in due course.

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

1. The stay in this action is extended through September 20, 2021.
2. This case is set for a settlement conference before Magistrate Judge Carolyn K. Delaney on September 20, 2021 at 9:30 a.m. The settlement conference will be conducted by video conference.

- 1 3. The court will issue a writ of habeas corpus ad testificandum to secure plaintiff's
2 video presence at the settlement conference.
- 3 4. Parties are instructed to have a principal with full settlement authority present at the
4 Settlement Conference or to be fully authorized to settle the matter on any terms. The
5 individual with full authority to settle must also have "unfettered discretion and
6 authority" to change the settlement position of the party, if appropriate. The purpose
7 behind requiring the attendance of a person with full settlement authority is that the
8 parties' view of the case may be altered during the face to face conference. An
9 authorization to settle for a limited dollar amount or sum certain can be found not to
10 comply with the requirement of full authority to settle¹.
- 11 5. Parties are directed to submit confidential settlement statements no later than
12 September 13, 2021 to ckdorders@caed.uscourts.gov. Plaintiff shall mail his
13 confidential settlement statement Attn: Magistrate Judge Carolyn K. Delaney, USDC
14 CAED, 501 I Street, Suite 4-200, Sacramento, California 95814 so it arrives no later
15 than September 6, 2021. The envelope shall be marked "CONFIDENTIAL
16 SETTLEMENT STATEMENT." Parties are also directed to file a "Notice of
17 Submission of Confidential Settlement Statement" (See L.R. 270(d)).

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19 ¹ While the exercise of its authority is subject to abuse of discretion review, "the district court has
20 the authority to order parties, including the federal government, to participate in mandatory
21 settlement conferences... ." United States v. United States District Court for the Northern
22 Mariana Islands, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir. 2012)("the district court has broad
23 authority to compel participation in mandatory settlement conference[s]"). The term "full
24 authority to settle" means that the individuals attending the mediation conference must be
25 authorized to fully explore settlement options and to agree at that time to any settlement terms
26 acceptable to the parties. G. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653
27 (7th Cir. 1989), cited with approval in Official Airline Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9th
28 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).

