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2 settlement on the defendants' behalf shall attend in person¹.

- 3 3. Those in attendance must be prepared to discuss the claims, defenses and damages.
4 The failure of any counsel, party or authorized person subject to this order to appear in
5 person may result in the imposition of sanctions. In addition, the conference will not
6 proceed and will be reset to another date.
- 7 4. Parties are directed to submit confidential settlement statements no later than October
8 29, 2020 to dmcorders@caed.uscourts.gov. Plaintiff shall mail his confidential
9 settlement statement Attn: Magistrate Judge Dennis M. Cota, USDC CAED, 2986
10 Bechelli Lane, Suite 300, Redding, California 96002 so it arrives no later than October
11 29, 2020. The envelope shall be marked "CONFIDENTIAL SETTLEMENT
12 STATEMENT." Parties are also directed to file a "Notice of Submission of
13 Confidential Settlement Statement" (See L.R. 270(d)).

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

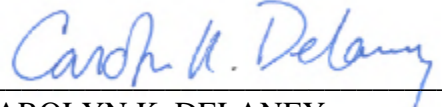
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19 The confidential settlement statement shall be **no longer than five pages** in length,
20 typed or neatly printed, and include the following:

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22 ¹ 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 (9th 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 (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).

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- 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, 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.
5. Judge Cota or another representative from the court will be contacting the parties either by telephone or in person, approximately two weeks prior to the settlement conference, to ascertain each party's expectations of the settlement conference.
6. The Clerk of the Court is directed to serve a copy of this order on the Litigation Office at California State Prison, Sacramento, via facsimile at (916) 294-3072 or via email.

Dated: September 10, 2020



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE