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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

TERRELL CORDARRYL STANFORD,

Plaintiff,

v.

Y. ANAYA, et al.,

Defendants.

No. 2:19-cv-0497-KJM-DMC-P

ORDER SETTING SETTLEMENT  
CONFERENCE

Plaintiff, a prisoner proceeding pro se, brings this 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 Kendall J. Newman to conduct a settlement conference on November 30, 2021 at 1:30 p.m. The settlement conference will be conducted by remote means, with all parties appearing by Zoom video conference. The Court will issue the necessary transportation order in due course.

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 November 30, 2021 at 1:30 p.m. The settlement conference will be conducted by remote means, with all parties appearing by Zoom video conference.
2. A representative with full and unlimited authority to negotiate and enter into a binding

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2 settlement on the defendants' behalf shall attend in person.<sup>1</sup>

- 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. The parties are directed to exchange non-confidential settlement statements seven days  
8 prior to the settlement conference. These statements shall simultaneously be delivered  
9 to the court using the following email address: [kjnorders@caed.uscourts.gov](mailto:kjnorders@caed.uscourts.gov). Plaintiff  
10 shall mail his non-confidential settlement statement Attn: Magistrate Judge Kendall J.  
11 Newman, USDC CAED, 501 I Street, Suite 4-200, Sacramento, CA 95814 so that it  
12 arrives at least seven (7) days prior to the settlement conference. The envelope shall  
13 be marked "SETTLEMENT STATEMENT." The date and time of the settlement  
14 conference shall be prominently indicated on the settlement statement. If a party  
15 desires to share additional confidential information with the court, they may do so  
16 pursuant to the provisions of Local Rule 270(d) and (e).
- 17 5. The Clerk of the Court is directed to serve a copy of this order on the Litigation Office  
18 at California State Prison, Corcoran via facsimile at (559) 992-7372 or via email.

19 Dated: September 8, 2021



20 DENNIS M. COTA  
21 UNITED STATES MAGISTRATE JUDGE

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