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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LISA CANDEE,)
)
Plaintiff(s),)
)
v.)
)
AT&T MOBILITY LLC, et al.,)
)
Defendant(s).)
_____)

No. C08-4384 MHP (BZ)

ORDER TO SHOW CAUSE

1. In this action, plaintiff sued AT&T for discrimination based on alleged disability in violation of the California Fair Employment and Housing Act and related claims. On November 16, 2009, Judge Patel referred the case to me to conduct a settlement conference.

2. On November 20, 2009, I entered an order scheduling the settlement conference for Tuesday, December 8, 2009 at 9:00 a.m. Among other things, the order required AT&T to appear with its lead trial counsel and to be represented "by the person or persons not directly involved in the events which gave rise to the litigation but with full authority to negotiate a settlement. A person who needs to call another

1 person not present before accepting, rejecting or making any
2 settlement offer does not have full authority." Order, Page
3 2, Lines 4 - 9.

4 3. On December 8, 2009, the settlement conference
5 convened. Plaintiff appeared with her attorney Therese M.
6 Lawless, Esq. Defendant appeared by David R. Ongaro, Esq. and
7 its Regional Vice President, Northern California - Government
8 Accounts, Chris Congo.

9 4. It appeared from my discussions with Mr. Ongaro and
10 Mr. Congo about the potential range at which this case is
11 likely to settle, that Mr. Congo lacked full authority to
12 settle the case, as that term is defined by my Order. At one
13 point, I was told that the settlement range that I had
14 suggested was "outside the pay range" of Mr. Congo and that I
15 "could not expect AT&T to send someone with full authority" as
16 that term is defined in my Order.

17 5. In my judgment, there was a distinct likelihood that
18 the case could have settled at the settlement conference had
19 AT&T been represented by a person with full settlement
20 authority.

21 6. Magistrate judges have summary criminal contempt
22 authority. 28 U.S.C. § 636(e)(2).

23 Good cause appearing, **IT IS HEREBY ORDERED** that defendant
24 AT&T Mobility LLC and its counsel Rao, Ongaro, Burt &
25 Tiliakos LLP shall show cause in writing by **December 30, 2009**
26 why either should not be adjudged in contempt of court, or
27 otherwise sanctioned under Rule 16(f) for their failure to
28 participate in the December 8, 2009 settlement conference as

1 ordered. A hearing on this Order To Show Cause is scheduled
2 for **January 6, 2010 at 10:00 a.m.**, in Courtroom G, 15th Floor,
3 Federal Building, 450 Golden Gate Avenue, San Francisco,
4 California 94102.

5 Dated: December 10, 2009



6
7 Bernard Zimmerman
United States Magistrate Judge

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