



1 and attending the conference (Docket No. 52, at 1), as well as incurring the expense of having a corporate  
2 representative with binding settlement authority “travel from Ohio to Las Vegas” (Docket No. 49, at 3);  
3 and (4) Defendant “does not see how a settlement conference can be beneficial” given that Plaintiff “has  
4 never previously made a settlement demand in this case” (Docket No. 52, at 2).

5 Plaintiff opposes the request, arguing that there are “numerous benefits” to conducting a settlement  
6 conference, including “the ability for the parties to obtain direct feedback” and a “third-party opinion ...  
7 from a federal judge.” Docket No. 51, at 2.

## 8 **II. DISCUSSION**

9 This settlement conference was ordered by a United States District Judge. Additionally,  
10 Defendant’s motion does not include any points and authorities in support of the requested relief which,  
11 in itself, is grounds for denial of the motion. *See* Local Rule 7-2(d) (“The failure of a moving party to file  
12 points and authorities in support of the motion shall constitute a consent to the denial of the motion.”).  
13 Further, Defendant’s unwillingness to attend a settlement conference because Plaintiff has never previously  
14 made a settlement demand underscores the need for a settlement conference. As recognized by the court  
15 in *Pitman v. Brinker Int’l, Inc.*, 216 F.R.D. 481 (D. Ariz. 2003):

16 The purpose of a settlement conference is to facilitate a settlement or to narrow the  
17 disparity between the parties by the candid input of a neutral, disinterested judicial  
18 officer. Settling cases prior to the filing and resolution of dispositive motions  
19 benefits the court and the parties by reaching a just, speedy and inexpensive  
20 determination of an action consistent with Rule 1[.] If a settlement is possible, it is  
imperative that both plaintiff and defendant arrive at a settlement conference with an  
open mind and a genuine willingness to meaningfully discuss the strengths and  
weaknesses of each party’s case.

21 216 F.R.D. at 485.

22 Even in the absence of an order from the District Judge, *see* Docket No. 47, the Court “may, in its  
23 discretion and at any time, set any appropriate civil case for settlement conference, summary jury trial, or  
24 other alternative method of dispute resolution.” *See* Local Rule 16-5. The Ninth Circuit recently addressed  
25 this issue in *United States v. U.S. Dist. Court for the Northern Mariana Islands*, 694 F.3d 1051 (9th Cir.  
26 2012), wherein it held that “the district court has broad authority to compel participation in a mandatory  
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1 settlement conference.” 694 F.3d at 1057. The district court’s authority arises from “at least three different  
2 sources[,]” including Fed. R. Civ. P. 16(c)(1) (“If appropriate, the court may require that a party or its  
3 representative be present or reasonably available by other means to consider possible settlement”), 28  
4 U.S.C. § 473(b)(5) (requiring courts as part of the civil justice reform act to consider “a requirement that,  
5 upon notice by the court, representatives of the parties with authority to bind them in settlement discussions  
6 be present or available by telephone during any settlement conference”), and a court’s “inherent power to  
7 control the disposition of the causes on its docket with economy of time and effort for itself, for counsel,  
8 and for litigants.” *Id.*, at 1058 (citations and quotations omitted). Finally, as articulated by the court in  
9 *Lockhart v. Patel*, 115 F.R.D. 44 (E.D. Ky. 1987), “[t]he authority of a federal court to order the attendance  
10 of attorneys, parties, and insurers at settlement conferences and to impose sanctions for disregard of the  
11 court’s orders is so well established as to be beyond doubt.” 115 F.R.D. at 45.

12 **III. CONCLUSION**

13 Based on the foregoing, Defendant’s Request for Exemption from Settlement Conference (Docket  
14 No 49) is **DENIED**.<sup>1</sup>

15 IT IS SO ORDERED.

16 DATED: July 10, 2014.

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NANCY J. KOPPE  
United States Magistrate Judge

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The Court will entertain a request for telephonic participation by the representative with binding authority. Any such request must be filed no later than July 15, 2014.