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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUIS MANUEL MORA, individually, and)
on behalf of the class,)
)
Plaintiff,)
)
vs.)
)
HARLEY-DAVIDSON CREDIT CORP., a)
corporation; and DOES 1 through 10,)
inclusive,)
)
Defendants.)

Case No.: 1:08-CV-01453-AWI-BAM
**ORDER CONTINUING FILING DATE
FOR JOINT MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT; SETTING
SETTLEMENT CONFERENCE**

Having considered the parties' stipulation and request to continue the deadline to file their joint motion for preliminary approval of class action settlement, as well as the parties' request to set a settlement conference (Doc. 125), the Court issues the following order:

1. The deadline to file the joint motion for preliminary approval of class action settlement shall be on or before **June 10, 2013**;
2. If the parties fail to file their joint motion for preliminary approval of class action settlement, a Settlement Conference will be held on **June 11, 2013, at 9:30 a.m.** in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe. Unless otherwise permitted in advance by the Court, the attorneys who will try the case shall appear at the settlement conference with the parties and the person or persons having full authority to negotiate and settle the case, on any terms, at the conference.

No later than seven days prior to the settlement conference, each party shall submit directly to Judge McAuliffe's chambers at bamorders@caed.uscourts.gov, a confidential settlement

1 conference statement. This statement should neither be filed with the clerk of the Court nor served
2 on any other party. Each statement shall be clearly marked “CONFIDENTIAL” with the date and
3 time of the mandatory settlement conference indicated prominently. Counsel are urged to request
4 the return of their statements. If such request is not made, the Court will dispose of the statement.

5 The confidential settlement conference statement shall include the following:

- 6 A. A brief statement of the facts of the case;
- 7 B. A brief statement of the claims and defenses (i.e., statutory or other grounds upon
8 which the claims or defenses are based), a forthright evaluation of the parties’
9 likelihood of prevailing on the claims and defenses, a description of the major issues
10 in dispute, **including the terms of the settlement agreement in dispute**;
- 11 C. A summary of the proceedings to date;
- 12 D. An estimate of the cost and time to be expended for further pretrial and trial matters,
13 including discovery;
- 14 E. The relief sought; and
- 15 F. The party’s position on settlement, **including the amount which the party will**
16 **accept to settle, realistic settlement expectations**, present demands and offers, and
17 a history of past settlement discussions, offers, and demands.

18 This Court will vacate the settlement conference if the Court finds the settlement conference
19 will be neither productive nor meaningful to attempt to resolve all or part of this case. As far in
20 advance of the settlement conference as possible, a party shall inform the Court and other parties that
21 it believes the case is not in a settlement posture so the Court may vacate or reset the settlement
22 conference. Otherwise the parties shall proceed with the settlement conference in good faith to
23 attempt to resolve all or part of the case.

24 IT IS SO ORDERED.

25 **Dated: April 1, 2013**

25 **/s/ Barbara A. McAuliffe**
26 **UNITED STATES MAGISTRATE JUDGE**