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

TIMOTHY S. DAUBERT,)	1:09-cv-01270-AWI-GSA
)	1:09-cv-01338-GSA
Plaintiff,)	1:09-cv-01463-GSA
)	1:10-cv-00015-GSA
vs.)	1:10-cv-00016-GSA
)	
[CITY OF] LINDSAY [USD],)	ORDER REQUIRING CONFIDENTIAL
)	SETTLEMENT CONFERENCE
Defendant.)	STATEMENTS BY AUGUST 4, 2010
)	

Settlement Conference Date:
8/10/10, 10:00am, Ctrm. 7/**SMS**

In light of the Minute Order(s) setting a Settlement Conference for August 10, 2010 at 10:00 a.m. in Courtroom No. 7 on the Sixth Floor before the Honorable Sandra M. Snyder, United States Magistrate Judge, it is hereby ORDERED that:

Unless otherwise permitted in advance by Judge Snyder, **the attorney(s) who will try the case shall personally 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**¹ at the conference.

¹ Insurance carriers, business organizations, and governmental bodies or agencies whose settlement agreements are subject to approval by legislative bodies, executive committees, boards of directors, or the like, shall be represented by a person or persons who occupy high executive positions in the party organization, and who will be directly

1 Permission for a party [not attorney] to attend by telephone
2 may be granted by Judge Snyder upon request, by letter, with a copy
3 to the other parties, IF the party lives and works outside the
4 Eastern District of California, AND attendance in person would
5 constitute a hardship. If telephone attendance is allowed, **the**
6 **party must be immediately available throughout the conference,**
7 **until excused, regardless of time zone differences.** Any other
8 special arrangements desired in cases where settlement authority
9 rests with a governing body shall also be proposed, in advance, by
10 letter, and copied to all other parties.

11 CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT

12 NOTICE IS HEREBY GIVEN that a Confidential Settlement
13 Conference Statement is **MANDATORY**, and must be submitted to Judge
14 Snyder's chambers by **August 4, 2010**. Plaintiff should mail his
15 Statement to Judge Snyder's chambers as follows:

16 Honorable Sandra M. Snyder
17 United States Magistrate Judge
18 ROBERT E. COYLE U.S. COURTHOUSE
19 2500 Tulare Street, Suite 1501
20 Fresno, CA 93721

21 CONFIDENTIAL SETTLEMENT CONFERENCE
22 STATEMENT ENCLOSED

23 Defendant should e-mail their Statement to SMSOrders@caed.uscourts.gov.
24 Failure to so comply may result in the imposition of monetary
25 and/or other sanctions.

26 The Statement should **not be filed** with the Clerk's Office nor
27 **served on any other party**, although the parties may file a Notice

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involved in the process of approval of any settlement offers or
agreements. To the extent possible, the representative shall have the
authority, if he or she deems it appropriate, to settle the action on
terms consistent with the opposing party's most recent demand.

1 of Lodging Confidential Settlement Conference Statement. Each
2 Statement shall be clearly marked "Confidential" with the date and
3 time of the Settlement Conference indicated prominently thereon.
4 The parties are urged to request the return of their Statements if
5 settlement is not achieved and, if such a request is not made, the
6 Court will dispose of the Statement.

7 The Confidential Settlement Conference Statement shall include
8 the following:

- 9 **A.** A brief statement of the facts of the case.
- 10 **B.** A brief statement of the claims and defenses, i.e.,
11 statutory or other grounds upon which the claims are founded; a
12 forthright evaluation of the parties' likelihood of prevailing on
13 the claims and defenses; and, a description of the major issues in
14 dispute.
- 15 **C.** A summary of the proceedings to date.
- 16 **D.** An estimate of the cost and time to be expended for
17 further discovery, pretrial, and trial.
- 18 **E.** The relief sought.
- 19 **F.** The party's position on settlement, including present
20 demands and offers, and a history of past settlement discussions,
21 offers, and demands.

22 **FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE IMPOSITION**
23 **OF SANCTIONS.**

24 IT IS SO ORDERED.

25 **Dated: July 19, 2010**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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