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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES,  
  
                                Plaintiff,  
  
                                v.  
  
JOHN J. TOLMACHOFF, et al.,  
  
                                Defendants.

Case No. 1:11-cv-01697-SKO

ORDER REQUIRING PARTIES TO SUBMIT  
CONFIDENTIAL SETTLEMENT CONFERENCE  
STATEMENTS BY NOON ON AUGUST 26,  
2013

A settlement conference is currently set for Tuesday, August 27, 2013 at 11:00 a.m. before the undersigned. 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**<sup>1</sup> at the conference.

***Confidential Settlement Conference Statement:*** The parties shall submit a Confidential Settlement Conference Statement directly to Judge Boone's chambers by e-mail to [SABOrders@caed.uscourts.gov](mailto:SABOrders@caed.uscourts.gov) by **noon on Monday, August 26, 2013**. The statement **should not be filed** with the Clerk of the Court **nor served on any other party**, although the parties may

<sup>1</sup> 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 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 file a Notice of Lodging of Settlement Conference Statement. Each statement shall be clearly  
2 marked "confidential" with the date and time of the Settlement Conference indicated prominently  
3 thereon.

4 The Confidential Settlement Conference Statement shall include the following:

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

16 If the parties are unable to adequately prepare the settlement statements, then the matter  
17 can be continued to a more mutually convenient date.

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20 IT IS SO ORDERED.

21 Dated: August 23, 2013

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24 UNITED STATES MAGISTRATE JUDGE