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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 GAIL KLEINAU,) Case No.: 1:12-cv-00276 AWI JLT
11)
12 Plaintiff,) ORDER GRANTING STIPULATION SETTING
13 v.) A SETTLEMENT CONFERENCE
14 CITIZENS BUSINESS BANK,) (Doc. 14)
15)
16 Defendant.)

17 Before the Court is the stipulation of the parties for the Court to set a settlement
18 conference. (Doc. 14) The parties request the conference be set on July 9, 2012 at 10:00 a.m. Id.
19 Based upon the stipulation, the Court **ORDERS**:

- 20 1. A settlement conference is set on July 9, 2012 at 10:00 a.m. at the United States
21 Courthouse located at 510 19th Street, Bakersfield, CA;
22 2. Unless otherwise permitted in advance by the Court, **the attorneys who will try**
23 **the case shall appear** at the settlement conference **with the parties** and the person or persons
24 having **full authority** to negotiate and settle the case **on any terms**¹ at the conference.

25 Consideration of settlement is a serious matter that requires preparation prior to the settlement

26 ¹ Insurance carriers, business organizations, and governmental bodies or agencies whose settlement
27 agreements are subject to approval by legislative bodies, executive committees, boards of directors or the like shall be
28 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 conference. Set forth below are the procedures the Court will employ, absent good cause, in
2 conducting the conference.

3 3. **No later than June 19, 2012**, Plaintiff **SHALL** submit to Defendant via fax or e-
4 mail, a written itemization of damages and a meaningful² settlement demand which includes a
5 brief explanation of why such a settlement is appropriate. Thereafter, **no later than June 26,**
6 **2012**, Defendant **SHALL** respond, via fax or e-mail, with an acceptance of the offer or with a
7 meaningful counteroffer which includes a brief explanation of why such a settlement is
8 appropriate.

9 If settlement is not achieved, each party **SHALL** attach copies of their settlement offers to
10 their Confidential Settlement Conference Statement, as described below. Copies of these
11 documents shall not be filed on the court docket.

12 4. **No later than July 2, 2012**, the parties shall submit, directly to Judge Thurston's
13 chambers by e-mail to JLTorders@caed.uscourts.gov, a Confidential Settlement Conference
14 Statement. The statement **should not be filed** with the Clerk of the Court **nor served on any**
15 **other party**, although the parties may file a Notice of Lodging of Settlement Conference
16 Statement. Each statement shall be clearly marked "confidential" with the date and time of the
17 Settlement Conference indicated prominently thereon.

18 The Confidential Settlement Conference Statement shall include the following:

- 19 A. A brief statement of the facts of the case;
- 20 B. A brief statement of the claims and defenses, i.e., statutory or other grounds upon
21 which the claims are founded; a forthright evaluation of the parties' likelihood of prevailing on the
22 claims and defenses; and a description of the major issues in dispute;
- 23 C. A summary of the proceedings to date;
- 24 D. An estimate of the cost and time to be expended for further discovery, pretrial and
25 trial;

26 ² "Meaningful" means that the offer is reasonably calculated to settle the case on terms acceptable to the
27 offering party. "Meaningful" does not include an offer which the offering party knows will not be acceptable to the
28 other party. If, however, the offering party is only willing to offer a settlement which it knows the other party will not
accept, this should trigger a recognition the case is not in a settlement posture and the parties should confer about
continuing or vacating the settlement conference via stipulation.

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E. The relief sought;

F. The party's position on settlement, including present demands and offers and a history of past settlement discussions, offers and demands.

IT IS SO ORDERED.

Dated: June 12, 2013

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE