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

TODD KINNAMON,)	Case No.: 1:12-cv-01325 DLB
)	
Plaintiff,)	ORDER SETTING
)	SETTLEMENT CONFERENCE
v.)	
)	
C.LATIA et al.,)	
)	
Defendants.)	
)	

In this matter, Plaintiff contends he was subjected to excessive force by Defendants on January 3, 2009, while he was housed at Kern Valley State Prison. The matter is set for trial on October 27, 2015. The parties have expressed a willingness to engage in a settlement conference. Therefore, the Court **ORDERS**:

1. A settlement conference is set on **July 30, 2015 at 10:00 a.m.** in Courtroom 6 before Magistrate Judge, Jennifer L. Thurston. The conference will occur at Robert E. Coyle Federal Courthouse located at 2500 Tulare Street, Fresno, CA;
2. 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 terms¹ at the conference. Consideration of

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

1 settlement is a serious matter that requires preparation prior to the settlement conference. Set
2 forth below are the procedures the Court will employ, absent good cause, in conducting the
3 conference:

- 4 a. **At least 21 days before** the settlement conference, Plaintiff **SHALL** submit to
5 Defendant via fax or e-mail, a written itemization of damages and a meaningful
6 settlement demand which includes a brief explanation of why such a settlement is
7 appropriate;
- 8 b. Thereafter, **no later than 14 days before** the settlement conference, Defendant
9 **SHALL** respond, via fax or e-mail, with an acceptance of the offer or with a
10 meaningful² counteroffer, which includes a brief explanation of why such a settlement
11 is appropriate.
- 12 c. If settlement is not achieved, each party **SHALL** attach copies of their settlement offers
13 to their Confidential Settlement Conference Statement, as described below. Copies of
14 these documents shall not be filed on the court docket.
- 15 d. **At least five court days before** the Settlement Conference, the parties shall submit,
16 directly to Judge Thurston’s chambers by e-mail to JLTorders@caed.uscourts.gov, a
17 Confidential Settlement Conference Statement. The statement should not be filed with
18 the Clerk of the Court nor served on any other party, although the parties may file a
19 Notice of Lodging of Settlement Conference Statement. Each statement shall be
20 clearly marked “confidential” with the date and time of the Settlement Conference
21 indicated prominently thereon;
- 22 e. The Confidential Settlement Conference Statement shall include the following:
- 23 A. A brief statement of the facts of the case;

24 a person or persons who occupy high executive positions in the party organization and who will be directly involved in
25 the process of approval of any settlement offers or agreements. To the extent possible the representative shall have the
26 authority, if he or she deems it appropriate, to settle the action on terms consistent with the opposing party’s most recent
demand.

27 ² “Meaningful” means that the offer is reasonably calculated to settle the case on terms acceptable to the offering
party. “Meaningful” does not include an offer which the offering party knows will not be acceptable to the other party. If,
28 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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B. A brief statement of the claims and defenses including a forthright evaluation of the party's likelihood of prevailing on the claims or defenses and a description of the major issues in dispute;

C. An estimate of the cost and time to be expended for further discovery, pretrial and trial;

D. A realistic evaluation of the value of the case in light of the risk the party will not succeed at trial;

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

IT IS SO ORDERED.

Dated: May 28, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE