1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 ANITA GONZALEZ, No. 1:13-CV-00086 JLT 12 Plaintiff, 13 ORDER REGARDING SETTLEMENT v. **CONFERENCE PROCEDURES** 14 CITY OF McFARLAND, ET AL., 15 Defendants. 16 17 Consideration of settlement is a serious matter that requires thorough preparation prior to 18 the settlement conference. Provided below are the procedures this Court will employ when 19 conducting the settlement conference scheduled for October 2, 2014, at 10:30 a.m. before the 20 Honorable Gary S. Austin. 21 A. Required Pre-Settlement Conference Communications 22 A settlement conference is more likely to be productive if the parties have exchanged 23 written settlement proposals in advance of the conference. Accordingly, plaintiff's counsel shall 24 submit a written itemization of damages and a good faith settlement demand to defendants' 25 counsel with a brief explanation of why the demand is appropriate no later than September 22, 26 2014. Thereafter, defendants' counsel shall submit a good faith written offer to plaintiff's 27 counsel with a brief explanation of why the offer is appropriate by September 24, 2014. 28 /// 1

1 On occasion, this process will lead directly to a settlement. If settlement is not achieved, 2 plaintiff's counsel shall deliver or fax copies of all settlement proposals along with his/her 3 Confidential Settlement Conference Statement to chambers. Copies of these documents are not to 4 be filed on the court docket. 5 B. Confidential Settlement Conference Statement 6 The parties shall submit the Confidential Settlement Conference Statement to Judge 7 Austin's chambers via gaaorders@caed.uscourts.gov by noon on September 29, 2014. This 8 statement shall include the following: 9 1. A list of all elements of each cause of action or affirmative defense pled in 10 the party's respective complaint or answer; 11 2. A brief statement identifying those facts that support each cause of action 12 or affirmative defense; 13 3. A description outlining the factual and legal contentions upon which the parties agree or disagree; 14 15 A description identifying the impediments to settlement, including 4. financial, emotional or legal concerns; 16 17 5. A summary of the settlement attempts to date; 18 6. A statement of the specific relief sought; and 19 7. A statement identifying any third party (i.e., lien holder, etc.) with a legal 20 interest in this action. 21 C. Attendance 22 The attorneys who will try the case shall appear at the settlement conference accompanied by the named parties and all persons having authority to negotiate the settlement. If appropriate, 23 24 the principal representative shall have approval to settle the action on the terms consistent with 25 the opposing party's most recent demand.

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¹Insurance carriers, business organizations, and governmental agencies whose settlement agreements are subject to approval by legislative bodies, executive committees, boards of directors, et cetera, 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.

D. Mediation Format A mediation format will be employed during the settlement conference. The lawyers, the parties, and all representatives must be fully prepared and will be expected to participate. The Court encourages all participants to be flexible and to reassess their previous positions, as well as put to forth their best efforts toward reaching a mutually agreeable settlement. E. Statements Inadmissible The Court expects full and candid participation during the settlement conference. With this in mind, statements made by any party or attorney during the settlement conference are not to be used in discovery and will not be admissible at trial. F. Sanctions Failure to follow this procedure will result in removal of the settlement conference from the Court's calendar and may result in additional sanctions. IT IS SO ORDERED. DATED: 9/17/2014 /s/ GARY S. AUSTIN UNITED STATES MAGISTRATE JUDGE