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

JAGJEEVAN K. DHALIWAL,)	1:13-CV-00484-SKO
MOHINDER S. GILL,)	
)	SETTLEMENT CONFERENCE
)	ORDER RE DEADLINES,
PLAINTIFFS,)	RULES, AND REQUIREMENTS
vs.)	Date: 10/7/15
)	Time: 10:30 a.m.
KS CHANDI & SONS, INC.,)	Place: Chambers ~ 9 th Floor
CHANDI BROTHERS, LLC,)	
)	
DEFENDANTS.)	

Consideration of settlement is a serious matter that requires thorough preparation **PRIOR** to the Settlement Conference. The following are the procedures the Court will employ, absent good cause, in conducting the Settlement Conference.

1. Pre-Settlement Conference Exchange of Demand and Offer

A Settlement Conference is more likely to be productive if, **PRIOR** thereto, the parties have exchanged written settlement proposals. Accordingly, at least **twenty (20) days** prior to the Settlement Conference, plaintiffs' counsel shall submit a written itemization of damages and settlement demand to defense counsel, together with a brief summary of the legal and factual basis supporting the demand.

1 Thereafter, but no later than **ten (10) days** prior to the Settlement
2 Conference, defense counsel shall submit a written offer to plaintiffs'
3 counsel, together with a brief summary of the legal and factual basis
4 supporting the offer.

5 **2. Submission and Content of Confidential Settlement Conference**
6 **Statements**

7 Confidential Settlement Conference Statements are
8 **MANDATORY**, are not to be e-filed or otherwise made a part of the court
9 docket, and shall be submitted directly to Judge Snyder's chambers at
10 least **five (5) court days** prior to the Settlement Conference, by either
11 U.S. Mail, courier, e-mail to SMSOrders@caed.uscourts.gov, personal
12 delivery to the Clerk's Office, etc., depending on the length, tabs,
13 pictures, etc., of the statement in total. Counsel shall not hesitate
14 to contact Judge Snyder's chambers at (559) 499-5690 PRIOR to submission
15 with any comments, questions, and/or concerns in this regard.
16 Additionally, each party shall e-file a Notice of Submission of
17 Confidential Settlement Conference Statement in compliance with Local
18 Rule 270(d).

19 Confidential Settlement Conference Statements shall (be
20 typed, double spaced and) include the following:

- 21 a. A brief summary of the core facts, allegations, and
22 defenses.
- 23 b. A summary of the proceedings to date.
- 24 c. An estimate of the cost and time to be expended for
25 further discovery, pretrial, and trial.
- 26 d. The nature of the relief sought.

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1 e. An outline of past settlement efforts, including
2 information regarding the "Pre-Settlement Conference Exchange of
3 Demand and Offer" required above, and a history of past settlement
4 discussions, offers, and demands.

5 f. A statement of each party's expectations and goals for
6 the Settlement Conference.

7 **3. Attendance of Trial Counsel and Parties Required**

8 The attorneys who will try the case and parties with full and
9 complete settlement authority are required to personally attend. An
10 insured party shall appear by a representative of the insurer who is
11 authorized to negotiate, and who has authority to settle the matter up
12 to the limits of the opposing parties' existing settlement demand. An
13 uninsured corporate party shall appear by a representative authorized
14 to negotiate, and who has authority to settle the matter up to the amount
15 of the opposing parties' existing settlement demand or offer. A client
16 with authority available by telephone is not an acceptable alternative,
17 except under the most extenuating circumstances, which does not include
18 out-of-town or out-of-state travel and the purchase of an airplane
19 ticket. The Court generally sets aside at least a couple of hours for
20 each conference. Therefore, it is difficult for a party who is not
21 present to appreciate the process and the reasons that may justify a
22 change in one's perspective toward settlement.

23 **4. Mediation Format**

24 The Court expects all counsel and party representatives to
25 be fully prepared to participate. The Court encourages all parties to
26 keep an open mind in order to reassess their previous positions and to
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1 discover creative means for resolving the dispute.

2 **5. Issues to Be Discussed**

3 The parties shall be prepared to discuss the following at the
4 Settlement Conference:

5 a. Goals in the litigation and problems they would like to
6 address in the Settlement Conference and understanding of the opposing
7 side's goals.

8 b. The issues (inside and outside the lawsuit) that need
9 to be resolved.

10 c. The strengths and weaknesses of their case.

11 d. Their understanding of the opposing side's view of the
12 case.

13 e. The points of agreement and disagreement (factual and
14 legal) between the parties.

15 f. Any financial, emotional, and/or legal impediments to
16 settlement.

17 g. Whether settlement or further litigation better enables
18 the accomplishment of their respective goals.

19 h. Any possibilities for a creative resolution of the
20 dispute.

21 **6. Statements Inadmissible**

22 The parties are expected to address each other with courtesy
23 and respect, and are encouraged to be candid and open in their
24 discussions. Statements made by any party during the
25 Settlement Conference is not to be used in discovery and will not be
26 admissible at trial.

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1 **7. Admonition**

2 If it is clear to counsel and/or the parties that this case
3 is not in a settlement posture, counsel are directed to contact this
4 Court's chambers immediately for a continuance or to take it off
5 calendar. Otherwise, this Court will assume and requires the
6 following:

7 1. That plaintiffs have provided defendants with a timely
8 demand;

9 2. That the parties have met and conferred sufficiently at
10 least once PRIOR to the Settlement Conference regarding possible
11 settlement; and,

12 3. That the parties are therefore ready, willing, and able
13 to settle the case, i.e., defendants have settlement authority and
14 plaintiffs are willing to negotiate in good faith.

15 If there is no settlement authority from either or any party
16 and/or it is the hope that this Court assess strengths and weaknesses
17 of each parties' cases such it will hopefully convince a party to dismiss
18 this lawsuit, **THIS IS NOT SETTLEMENT**. In such a situation, the parties
19 are directed to coordinate a telephonic conference with this Court,
20 through chambers at (559) 499-5690, PRIOR to the Settlement Conference
21 to discuss the status of settlement. Failure to do so could result in
22 sanctions against any or all parties if appearances are made and it was
23 known to one or more parties that the case cannot settle.

24 **IT IS SO ORDERED.**

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26 **DATED: 9/11/2015**

/s/ SANDRA M. SNYDER
UNITED STATES MAGISTRATE JUDGE

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