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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

NATIONAL RAILROAD PASSENGER CORPORATION, ET AL.,  
Plaintiffs,  
v.  
YOUNG'S COMMERCIAL TRANSFER, INC., ET AL.,  
Defendants.

No. 1:13-CV-01506 DAD-EPG

**ORDER REGARDING SETTLEMENT CONFERENCE PROCEDURES**

The Court sets a settlement conference for November 28, 2016, at 1:00 p.m., before Magistrate Judge Erica P. Grosjean. Unless otherwise permitted in advance by the Court, the attorneys who will try the case shall appear at the Settlement Conference. Pertinent evidence to be offered at trial, documents or otherwise, should be brought to the settlement conference for presentation to the settlement judge. Neither the settlement conference statements nor communications during the settlement conference with the settlement judge can be used by either party in the trial of this case.

Absent permission from the Court, in addition to counsel who will try the case being present, in addition to counsel who will try the case being present, the individual parties shall also be present, and in the case of corporate parties, associations or other entities, and insurance

1 carriers, a representative executive with unrestricted authority to discuss, consider, propose and  
2 agree, or disagree, to any settlement proposal or offer shall also be present. If for any reason the  
3 representative with unlimited authority cannot attend, such a person must be available by phone  
4 throughout the conference. In other words, having settlement authority “up to a certain amount”  
5 is not acceptable.

6 In the event settlement authority delegated to any defense representative appearing at the  
7 settlement conference has been set by a committee and such authority may not be unilaterally  
8 exceeded in any amount by the representative designated to attend the settlement conference, then  
9 the entire committee must be fully identified in the defense settlement statement (name, position,  
10 work address for each member) AND the entire committee or a quorum thereof empowered to  
11 enter into any agreement to settle the case MUST be available in person or by phone, unless the  
12 Court grants permission otherwise. Failure to follow this directive may result in a re-scheduled  
13 settlement conference AND payment of attorney's fees, expenses and other costs incurred by any  
14 other party during preparation for the settlement conference and attendance at the conference.  
15 Additional sanctions, including default, may be appropriate.

16 **IF ANY PARTY BELIEVES THAT A SETTLEMENT CONFERENCE WOULD**  
17 **BE FUTILE, THEN THAT PARTY SHALL CONTACT THE COURT NOT LATER**  
18 **THAN SEVENTY-TWO HOURS PRECEDING THE SCHEDULED SETTLEMENT**  
19 **CONFERENCE.**

20 ***Confidential Settlement Statements***

21 At least five (5) court days prior to the settlement conference, each party shall submit a  
22 Confidential Settlement Conference Statement in Word format directly to Judge Grosjean’s  
23 Chambers at [epgorders@caed.uscourts.gov](mailto:epgorders@caed.uscourts.gov). The statement shall not be filed on the docket or  
24 served on any other party. Each statement shall be clearly marked "confidential" with the date  
25 and time of the settlement conference clearly noted on the first page. The Confidential Settlement  
26 Conference Statement shall include the following:

27 A. A brief statement of the facts of the case.

28 B. A brief statement of the claims and defenses, i.e., statutory or other grounds

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upon which the claims are founded; a forthright evaluation of the parties' likelihood of prevailing on the claims and defenses; and a description of the major issues in dispute.

C. A summary of the proceedings to date.

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

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.

The parties shall contact that the designated settlement conference judge's chambers to ascertain whether additional settlement conference procedures are required.

IT IS SO ORDERED.

Dated: October 21, 2016

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE