

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 IDALIA J. MOGUTIA-JOHNSON,) Case No.: 1:14-cv-00127 LJO SKO
12 Plaintiff,)
13 v.) ORDER SETTING SETTLEMENT CONFERENCE
14 SERGEANT LARRY HUSTEDDE,)
15 JEFFREY KAISER,)
16 Defendants.)

17 This matter was initiated on January 28, 2014 and raises claims under the Fourth, Fifth and
18 Fourteenth Amendment related to Plaintiff's arrest on August 24, 2010. The complaint seeks an
19 injunction, damages, disgorgement of unjust enrichment, fees and costs. The matter is set for jury trial
20 on June 9, 2015. The parties have expressed a willingness to engage in a settlement conference.

21 Therefore, the Court **ORDERS:**

- 22 1. A settlement conference is set on **May 27, 2015 at 10:00 a.m.** before Magistrate Judge,
23 Jennifer L. Thurston. The conference will occur at the United States Courthouse located at 510 19th
24 Street, Bakersfield, California;
- 25 2. Unless otherwise permitted in advance by the Court, the attorneys who will try the case shall
26 appear at the Settlement Conference with the parties and the person or persons having full authority to
27
28

1 negotiate and settle the case on any terms¹ at the conference. Consideration of settlement is a serious
2 matter that requires preparation prior to the settlement conference. Set forth below are the procedures
3 the Court will employ, absent good cause, in conducting the conference:

- 4 a. **No later than May 26, 2015 at noon,** the parties shall submit via e-mail to
5 JLTorders@caed.uscourts.gov, a Confidential Settlement Conference Statement. The
6 statement should not be filed with the Clerk of the Court nor served on any other party,
7 although the parties may file a Notice of Lodging of Settlement Conference Statement. Each
8 statement shall be clearly marked “confidential” with the date and time of the Settlement
9 Conference indicated prominently thereon;
- 10 b. The Confidential Settlement Conference Statement shall include the following:
- 11 A. A brief statement of the facts of the case;
- 12 B. A brief statement of the claims and defenses including a forthright evaluation of
13 the party’s likelihood of prevailing on the claims or defenses and a description of the major
14 issues in dispute;
- 15 C. An estimate of the cost and time to be expended for further discovery, pretrial
16 and trial;
- 17 D. A realistic evaluation of the value of the case in light of the risk the party will
18 not succeed at trial;
- 19 E. The party's position on settlement, including any present demands and offers
20 and a history of past settlement discussions, offers and demands.

21
22 IT IS SO ORDERED.

23 Dated: **May 21, 2015**

/s/ Jennifer L. Thurston
24 UNITED STATES MAGISTRATE JUDGE

25
26 _____
27 ¹ Insurance carriers, business organizations, and governmental bodies or agencies whose settlement agreements
28 are subject to approval by legislative bodies, executive committees, boards of directors or the like 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. 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.