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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

J & J SPORTS PRODUCTION, INC.,)	Case No.: 1:14-CV-01353 DAD JLT
)	
Plaintiff,)	ORDER SETTING SETTLEMENT
)	CONFERENCE
v.)	
)	
MARK THOMAS BAILEY, dba MADD)	
)	
BAILEY’S,)	
)	
Defendants.)	

On April 6, 2017, the Court referred the matter to set a settlement conference. (Doc. 34) The Court is well-aware of the talents of counsel to resolve these types of cases. However, if they cannot resolve this one, the Court set s settlement conference on August 7, 2017¹ at 1:30 p.m. at the United States Courthouse, located at 510 19th Street, Bakersfield, California.

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

¹ If needed, counsel may stipulate to an earlier date as long as they clear it on the court’s calendar.

1 2. At least 21 days before the settlement conference, Plaintiff **SHALL** submit to
2 Defendant via fax or e-mail, a written itemization of damages and a meaningful² settlement
3 demand, which includes a brief explanation of why such a settlement is appropriate;

4 3. Thereafter, no later than 14 days before the settlement conference, Defendant
5 **SHALL** respond, via fax or e-mail, with an acceptance of the offer or with a meaningful
6 counteroffer, which includes a brief explanation of why such a settlement is appropriate.

7 4. If settlement is not achieved, each party **SHALL** attach copies of their settlement
8 offers to their Confidential Settlement Conference Statement, as described below. Copies of these
9 documents shall not be filed on the court docket.

10 5. At least one week before the Settlement Conference, the parties shall submit,
11 directly to chambers by e-mail to JLTOOrders@caed.uscourts.gov, a Confidential Settlement
12 Conference Statement. The statement should not be filed with the Clerk of the Court nor served on
13 any other party, although the parties may file a Notice of Lodging of Settlement Conference
14 Statement. Each statement shall be clearly marked “confidential” with the date and time of the
15 Settlement Conference indicated prominently thereon;

16 6. The Confidential Settlement Conference Statement shall include the following:

17 A. A brief statement of the facts of the case;

18 B. A brief statement of the claims and defenses, i.e., statutory or other grounds
19 upon which the claims are founded; a forthright evaluation of the parties’ likelihood of prevailing
20 on the claims and defenses; and a description of the major issues in dispute;

21 C. A summary of the proceedings to date;

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

24 E. The relief sought;

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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.

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

IT IS SO ORDERED.

Dated: April 6, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE