

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3
4 JUSTIN SHEPHERD,

5 Plaintiff,

6 v.

7 KOHL'S DEPARTMENT STORES, INC.,
8 and DOES 1 through 100,

9 Defendant.

Case No. 1:14-cv-01901-DAD-BAM

**Assigned for All Purposes:
Judge Dale A. Drozd**

**ORDER SETTING SECOND
SETTLEMENT CONFERENCE BEFORE
MAGISTRATE JUDGE MCAULIFFE**

Trial Date: October 25, 2016
Settlement Conf.: Aug. 15, 2016 at 10:00 am

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11 IT IS HEREBY ORDERED as follows:

12 1. Pursuant to Stipulation (Doc. 50) between the parties, this matter is referred to
13 Magistrate Judge Barbara A. McAuliffe for purposes of conducting a settlement conference on
14 August 15, 2016. The Conference will begin at 10:00 a.m. before Judge McAuliffe in courtroom
15 8 (BAM).

16 2. Unless otherwise permitted in advance by the Court, the attorneys who will try the
17 case shall personally appear at the settlement conference with the parties and the person or persons
18 having full authority to negotiate and settle the case, on any terms, at the conference.

19 3. **No later than seven days prior to the settlement conference**, each party shall
20 submit directly to Judge McAuliffe's chambers at bamorders@caed.uscourts.gov, a confidential
21 settlement conference statement. This statement should neither be filed with the clerk of the Court
22 nor served on any other party. Each statement shall be clearly marked "CONFIDENTIAL" with
23 the date and time of the mandatory settlement conference indicated prominently.

24 4. The settlement statement should not be lengthy but shall include a brief recitation
25 of the facts, a discussion of the strengths and weaknesses of the case, an estimate of the cost and
26 time to be expended for further pretrial and trial matters, and the relief sought. The parties are also
27 directed to include a candid statement on the party's position on settlement, including the amount
28 which the party will accept to settle, realistic settlement expectations, present settlement proposals,

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and a history of past settlement discussions, offers, demands, and a report on settlement efforts to date.

5. This Court will vacate the settlement conference if the Court finds the settlement conference will be neither productive nor meaningful to attempt to resolve all or part of this case. As far in advance of the settlement conference as possible, a party shall inform the Court and other parties that it believes the case is not in a settlement posture so the Court may vacate or reset the settlement conference. Otherwise the parties shall proceed with the settlement conference in good faith to attempt to resolve all or part of the case.

IT IS SO ORDERED.

Dated: June 14, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE