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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

G.P.P., INC,

Plaintiff,

v.

GUARDIAN PROTECTION PRODUCTS
INC., et al.,

Defendants.

CASE NO. 1:15-cv-00321 SKO

ORDER RE SETTLEMENT CONFERENCE

AND RELATED CROSS ACTION

The Court has been advised that the parties wish to engage in a court-sponsored settlement conference and has set the matter on March 19, 2020.

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 any reasonable terms**¹ 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.

At least 21 days before the settlement conference, Plaintiff **SHALL** submit to the claimants via

¹ Insurance carriers, business organizations, and governmental bodies or agencies whose settlement agreements are subject to approval by legislative bodies, executive committees, boards of directors or the like may be represented by a person whose recommendations about settlement are relied upon by the ultimate decision makers.

1 fax or e-mail, a written itemization of damages and a meaningful² settlement demand which includes a
2 brief explanation of why such a settlement is appropriate. Thereafter, **no later than 14 days before** the
3 settlement conference, the claimants **SHALL** respond via fax or e-mail, with an acceptance of the offer
4 or with a meaningful counteroffer, which includes a brief explanation of why such a settlement is
5 appropriate. **The parties SHALL continue to exchange offers until doing so is no longer fruitful.**

6 If settlement is not achieved, each party **SHALL** attach copies of their settlement offers to their
7 confidential settlement conference statement, as described below. Copies of these documents need not be
8 filed on the court docket.

9 **CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT**

10 **At least five court days before** the settlement conference, the parties shall submit, directly to
11 Judge Thurston's chambers by e-mail to JLTOrders@caed.uscourts.gov, a confidential settlement
12 conference statement. If the party wishes the statement to remain confidential, the party **should not file**
13 the statement with the Clerk of the Court **or serve it on any other party.** The parties may file a Notice
14 of Lodging of Settlement Conference Statement. Each statement shall be clearly marked "confidential"
15 with the date and time of the settlement conference indicated prominently thereon.

16 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 upon which
19 the claims are founded; a forthright evaluation of the parties' likelihood of prevailing on the claims and
20 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, pretrial and trial.
- 23 E. The relief sought.

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27 ² "Meaningful" means the offer is reasonably calculated to settle the case on terms acceptable to the offering party.
28 "Meaningful" does not include an offer which the offering party knows will not be acceptable to the other party. If, however,
the offering party is only willing to offer a settlement which it knows the other party will not accept, this should trigger a
recognition the case is not in a settlement posture and the parties should confer about continuing the settlement conference via
stipulation.

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

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4 IT IS SO ORDERED.

5 Dated: January 22, 2020

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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