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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL MONTENEGRO,

Case No. 1:15-cv-00408-SKO

Plaintiff,

ORDER CONTINUING SETTLEMENT CONFERENCE TO MAY 15, 2017

v.

WINCO HOLDINGS, INC.,

Defendant.

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This action has been referred to the undersigned for a settlement conference and a settlement conference is currently set for April 11, 2017, at 10:30 a.m. in Courtroom 9 before the undersigned. Due to scheduling conflicts in the Court's schedule, the settlement conference shall be continued to May 15, 2017, at 11:00 a.m. in Courtroom 9. 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 terms**¹ at the conference.

Confidential Settlement Conference Statement: At least five (5) court days prior to the Settlement Conference, the parties shall submit a Confidential Settlement Conference Statement directly to Judge Boone's chambers by e-mail to SABOrders@caed.uscourts.gov. The statement should not be filed with the Clerk of the Court nor served on any other party, although the parties may file a Notice of Lodging of Settlement Conference Statement. Each statement shall

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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 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.

be clearly marked "confidential" with the date and time of the Settlement Conference indicated prominently thereon.

The Confidential Settlement Conference Statement shall include the following:

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

Accordingly, IT IS HEREBY ORDERED that the settlement conference set for April 11, 2017, at 10:30 a.m. is CONTINUED to **May 15, 2017 at 11:00 a.m**. in Courtroom 9.

IT IS SO ORDERED.

Dated: March 22, 2017

UNITED STATES MAGISTRATE JUDGE