

1 demand which includes a brief explanation of why such a settlement is appropriate;

2 b. Thereafter, **no later than 14 days before** the settlement conference, Defendant
3 **SHALL** respond, via fax or e-mail, with an acceptance of the offer or with a meaningful²
4 counteroffer, which includes a brief explanation of why such a settlement is appropriate.

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

8 d. **No later than March 23, 2016** the Settlement Conference, the parties shall
9 submit, directly to Judge Thurston’s chambers by e-mail to JLTOrders@caed.uscourts.gov, a
10 Confidential Settlement Conference Statement. The statement should not be filed with the
11 Clerk of the Court nor served on any other party, although the parties may file a Notice of
12 Lodging of Settlement Conference Statement. Each statement shall be clearly marked
13 “confidential” with the date and time of the Settlement Conference indicated prominently
14 thereon;

- 15 e. The Confidential Settlement Conference Statement shall include the following:
- 16 A. A brief statement of the facts of the case;
 - 17 B. A brief statement of the claims and defenses, i.e., statutory or other
18 grounds upon which the claims are founded; a forthright evaluation of the
19 parties’ likelihood of prevailing on the claims and defenses; and a description of
20 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;
- 25

26 ² “Meaningful” means that the offer is reasonably calculated to settle the case on terms acceptable to the offering
27 party. “Meaningful” does not include an offer which the offering party knows will not be acceptable to the other party. If,
28 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 or vacating the
settlement conference via stipulation.

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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: December 16, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE