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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 LAKEITH L. MCCOY,

CASE NO. 1:15-cv-00768 DAD HBK

12 Plaintiff,

13 v.

14 HOLGUIN et al,

15 Defendant,
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ORDER (1) SETTING SETTLEMENT
CONFERENCE, (2) REQUIRING
PERSONAL ATTENDANCE BY CERTAIN
INDIVIDUALS, (3) REQUIRING
SETTLEMENT CONFERENCE
STATEMENT MEETING CERTAIN
PARAMETERS, AND (4) SCHEDULING
PRE-CONFERENCE TELEPHONIC
DISCUSSION

19 Magistrate Judge Helena Barch-Kuchta will hold a settlement conference on **January 22, 2021**
20 **at 10:00 a.m.** via Zoom. The court expects that the parties will proceed with the settlement
21 conference in good faith and attempt to resolve all or part of the case. If any party believes that the
22 settlement conference will not be productive, that party shall so inform the court as far in advance of
23 the settlement conference as possible. Unless otherwise permitted in advance by the court, the
24 following individuals must attend the settlement conference in person: (1) all of the attorneys who will
25 try the case; (2) the parties, except as noted below; and (3) individuals with full authority to negotiate
26 and settle the case, on any terms. Parties affiliated with the California Department of Corrections and
27 Rehabilitation are excused from personal attendance if and only if they are available to confer with
28 their counsel by telephone *at all times during the settlement conference.*

1 No later than two weeks prior to the settlement conference, each party must submit to Judge
2 Barch-Kuchta's chambers by email (address hbkorders@caed.uscourts.gov) or, in the case of
3 incarcerated parties, by U.S. Mail (address: US District Court, P.O. Box 575, Yosemite National Park,
4 CA 95389), a confidential settlement conference statement. These statements should neither be filed
5 on the docket nor served on any other party. The statements should be marked "CONFIDENTIAL"
6 and should state the date and time of the conference. The statements should not be lengthy but should
7 include

8 (1) a brief recitation of the facts;

9 (2) a discussion of the strengths and weaknesses of the case;

10 (3) an itemized estimate of the expected costs for further discovery, pretrial, and trial matters,
11 in specific dollar terms;

12 (4) your best estimate of the probability that plaintiff will prevail should this case proceed to
13 trial;

14 (5) your best estimate of recovery by plaintiff should this case proceed to trial and plaintiff
15 prevail (in specific dollar terms);

16 (6) a history of settlement discussions (including a listing of any current settlement offers from
17 any party, in specific dollar terms), a candid statement of your party's current position on settlement,
18 including **the amount that you will give/accept to settle** (in specific dollar terms), and a statement of
19 your expectations for settlement discussions;

20 (7) a list of the individuals who will be attending the settlement on the party's behalf, including
21 names and, if appropriate, titles.

22 Magistrate Judge Helena Barch-Kuchta will hold a short, pre-settlement conference telephone
23 discussion on **January 15, 2021 at 2:00 p.m.** (dial-in number: 1-888-204-5984; passcode: 4446176).
24 Only the lead attorney from each side should participate.

1 IT IS SO ORDERED.
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3 Dated: November 25, 2020
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HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE