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4 **UNITED STATES DISTRICT COURT**  
5 **EASTERN DISTRICT OF CALIFORNIA**  
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7 BRADLEY FULFER,  
8 Plaintiff,  
9 v.  
10 WINCO HOLDINGS, INC.,  
11 Defendant.

Case No. 1:15-cv-00999-TLN-EPG  
ORDER SETTING SETTLEMENT  
CONFERENCE FOR MAY 31, 2017

12  
13 On May 15, 2017, counsel for the parties in this action appeared before Magistrate Judge  
14 Stanley A. Boone for a settlement conference in a similar, but unrelated action. Counsel  
15 requested that the undersigned conduct a settlement conference in this action. Accordingly, a  
16 settlement conference is set for **May 31, 2017 at 11:30 a.m.** in Courtroom 9 before Magistrate  
17 Judge Stanley A. Boone.

18 Unless otherwise permitted in advance by the Court, **the attorneys who will try the case**  
19 shall appear at the Settlement Conference **with the parties** and the person or persons having **full**  
20 **authority** to negotiate and settle the case **on any terms**<sup>1</sup> at the conference.

21 ***Confidential Settlement Conference Statement:*** At least five (5) court days prior to the  
22 Settlement Conference, the parties shall submit a Confidential Settlement Conference Statement  
23 directly to Judge Boone's chambers by e-mail to SABOrders@caed.uscourts.gov. Each party's  
24 confidential settlement statement shall not exceed **ten (10) pages** in length. The statement

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26 <sup>1</sup> Insurance carriers, business organizations, and governmental bodies or agencies whose settlement agreements are  
27 subject to approval by legislative bodies, executive committees, boards of directors or the like shall be represented  
28 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.

1 **should not be filed** with the Clerk of the Court **nor served on any other party**, although the  
2 parties may file a Notice of Lodging of Settlement Conference Statement. Each statement shall  
3 be clearly marked “confidential” with the date and time of the Settlement Conference indicated  
4 prominently thereon.

5 The Confidential Settlement Conference Statement shall include the following:

- 6 A. A brief statement of the facts of the case.
- 7 B. A brief statement of the claims and defenses, i.e., statutory or other grounds upon  
8 which the claims are founded; a forthright evaluation of the parties’ likelihood of  
9 prevailing on the claims and defenses; and a description of the major issues in  
10 dispute.
- 11 C. A summary of the proceedings to date.
- 12 D. An estimate of the cost and time to be expended for further discovery, pretrial and  
13 trial.
- 14 E. The relief sought.
- 15 F. The party’s position on settlement, including present demands and offers and a  
16 history of past settlement discussions, offers and demands.

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

23 IT IS SO ORDERED.

24 Dated: **May 16, 2017**

25 /s/ Eric P. Gray  
26 UNITED STATES MAGISTRATE JUDGE