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

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

d. **No later than August 18, 2016** the Settlement Conference, the parties shall submit, directly to Judge Thurston’s chambers by e-mail to JLTOrders@caed.uscourts.gov, a Confidential Settlement Conference Statement. 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 be clearly marked “confidential” with the date and time of the Settlement Conference indicated prominently thereon;

e. 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;

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² “Meaningful” means that the offer is reasonably calculated to settle the case on terms acceptable to the offering party. “Meaningful” does not include an offer which the offering party knows will not be acceptable to the other party.

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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: July 22, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE