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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

WESTON ANTHONY SMITH,) Case No.: 1:15-cv-01749 MCE JLT
)
Plaintiffs,) ORDER SETTING SETTLEMENT CONFERENCE
)
v.)
)
DONNY YOUNGBLOOD, et al.,)
)
Defendants.)
)

The Court sets a settlement conference on **January 28, 2022** at 10:00 a.m. via videoconference.

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 reasonable terms**¹ discussed at the conference. Consideration of settlement is a serious matter that requires preparation prior to the settlement conference. Set forth below are the procedures the Court will employ, absent good cause, in conducting the conference.

No later than December 17, 2021, the plaintiff **SHALL** submit to the defendant via fax or e-mail, a written itemization of damages and a meaningful² settlement demand, which includes a brief explanation of why such a settlement is appropriate. Thereafter, **no later than January 7, 2022**, the

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 may be represented by a person whose recommendations about settlement are relied upon by the ultimate decision makers.

² “Meaningful” means 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. Rather, **it reflects a compromise, which considers the risk of loss for the party.**

1 defendant **SHALL** respond via fax or e-mail, with an acceptance of the offer or with a meaningful
2 counteroffer, which includes a brief explanation of why such a settlement is appropriate. **The parties**
3 **SHALL continue to exchange counteroffers until it is no longer productive.**

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

7 **CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT**

8 **No later than January 21, 2022,** the parties shall submit, directly to Judge Thurston's
9 chambers by e-mail to JLTOrders@caed.uscourts.gov, a Confidential Settlement Conference
10 Statement. The statement **should not be filed** with the Clerk of the Court **nor served on any other**
11 **party,** although the parties may file a Notice of Lodging of Settlement Conference Statement. Each
12 statement shall be clearly marked "confidential" with the date and time of the Settlement Conference
13 indicated prominently thereon.

14 The Confidential Settlement Conference Statement shall include the following:

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

24
25 IT IS SO ORDERED.

26 Dated: November 17, 2021

27 /s/ Jennifer L. Thurston
28 CHIEF UNITED STATES MAGISTRATE JUDGE