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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MACK A. WEST, Jr.,
Plaintiff,
v.
HULBERT, et al.,
Defendants.

1:16-cv-00046-DAD-JLT (PC)
**ORDER SETTING SETTLEMENT
CONFERENCE**
DATE: January 31, 2019
TIME: 10:00 a.m.

On October 29, 2018, the parties were ordered to notify the court whether a settlement conference would be beneficial. (Doc. 49.) After reviewing the statements filed by each party (Docs. 50 & 51), the Court has determined that this case will benefit from a settlement conference. Therefore, this case will be referred to Magistrate Judge Stanley A. Boone to conduct a settlement conference at the U. S. District Court, 2500 Tulare Street, Fresno, California 93721 in Courtroom #9 on January 31, 2019 at 10:00 a.m. The Court will issue the necessary transportation order in due course.

The Court **ORDERS:**

1. This case is set for a settlement conference before Magistrate Judge Stanley A. Boone on January 31, 2019, at 10:00 a.m. at the U. S. District Court, 2500 Tulare Street, Fresno, California 93721 in Courtroom #9.

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2. 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 terms¹ 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.
3. The parties must be prepared to discuss the claims, defenses and damages. The failure of any counsel, party or authorized person subject to this order to appear may result in the imposition of sanctions. In addition, the conference will not proceed and will be reset to another date.
4. **No later than December 10, 2018**, Plaintiff **SHALL** submit to Defendants, by mail, a written itemization of damages and a meaningful² settlement demand, which includes a brief explanation of why such a settlement is appropriate, not to exceed ten pages in length.
5. **No later than January 4, 2019**, Defendants **SHALL** respond, by telephone or in person, with an acceptance of the offer or with a meaningful counteroffer, which includes a brief explanation of why such a settlement is appropriate. If settlement is achieved, defense counsel is to immediately inform the Courtroom Deputy of Magistrate Judge Thurston.
6. If settlement is not achieved informally, the defendant is directed to submit confidential settlement statements **no later than January 24, 2019** to the following email address: saborders@caed.uscourts.gov. Plaintiff shall mail his confidential settlement statement Attn: Magistrate Judge Stanley A. Boone, USDC CAED, 2500

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. If, 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 the settlement conference via stipulation.

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Tulare Street, Fresno, California 93721 so it arrives **no later than January 24, 2019.**
The envelope shall be marked “Confidential Settlement Statement.” Parties shall also
file a “Notice of Submission of Confidential Settlement Statement.” (*See* Local Rule
270(d).)

Settlement statements **should not be filed** with the Clerk of the Court **nor served on
any other party.** Settlement statements shall be clearly marked “confidential” with
the date and time of the settlement conference indicated prominently thereon.

The confidential settlement statement shall be **no longer than five pages** in length,
typed or neatly printed, and 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. An estimate of the cost and time to be expended for further discovery, pretrial, and
trial.
- d. The party’s position on settlement, including present demands and offers and a
history of past settlement discussions, offers, and demands.
- e. A brief statement of each party’s expectations and goals for the settlement
conference, including how much a party is willing to accept and/or willing to pay.

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f. If the parties intend to discuss the joint settlement of any other actions or claims not in this suit, give a brief description of each action or claim as set forth above, including case number(s) is applicable.

IT IS SO ORDERED.

Dated: November 17, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE