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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CYNTHIA RIVERA-MARTINEZ and)
ARTURO MARTINEZ,)
)
Plaintiffs,)
)
vs.)
)
KERN COUNTY, et al.,)
)
Defendants.)
_____)

Case No. 1:16-CV-00062 SEH
**ORDER ADVANCING THE TIME FOR
THE SETTLEMENT CONFERENCE;
ORDER RE SETTLEMENT
CONFERENCE**

The Court has set this matter for a settlement conference on October 9, 2018. (Doc. 257) To allow sufficient time for the conference, the Court **ADVANCES** the conference to 9:00 a.m. In addition, the Court **ORDERS**:

1. 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.
2. Consideration of settlement is a serious matter that requires preparation prior to 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.

1 settlement conference. Set forth below are the procedures the Court will employ, absent good cause,
2 in conducting the conference.

3 a. **At least 21 days before** the settlement conference, the plaintiff **SHALL** submit
4 to the defendant via fax or e-mail, a written itemization of damages and a meaningful² settlement
5 demand which includes a brief explanation of why such a settlement is appropriate. Thereafter, **no later**
6 **than 14 days before** the settlement conference, the defendant **SHALL** respond via fax or e-mail, with
7 an acceptance of the offer or with a meaningful counteroffer, which includes a brief explanation of why
8 such a settlement is appropriate. If it appears productive, the parties SHALL continue to exchange
9 offers until settlement is achieved or it appears settlement cannot be achieved absent the Court's
10 assistance.

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

14 b. **At least five court days before** the settlement conference, the parties shall
15 submit by e-mail to JLTOOrders@caed.uscourts.gov, a confidential settlement conference statement. The
16 statement **should not be filed** with the Clerk of the Court **and need not be served on any other party.**
17 The parties may file a Notice of Lodging of Settlement Conference Statement. Each statement shall be
18 clearly marked "confidential" with the date and time of the Settlement Conference indicated
19 prominently thereon.

- 20 c. The confidential settlement conference statement shall include the following:
- 21 1. A brief statement of the facts of the case.
 - 22 2. A brief statement of the claims and defenses, i.e., statutory or other
23 grounds upon which the claims are founded; a forthright evaluation of the
24 parties' likelihood of prevailing on the claims and defenses; and a
25 description of the major issues in dispute.

26 ² "Meaningful" means the offer is **reasonably calculated** to settle the case on terms acceptable to the other party.
27 "Meaningful" does not include an offer which the offering party knows will not be acceptable to the opponent. If, however,
28 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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- 3. A summary of the proceedings to date.
- 4. An estimate of the cost and time to be expended for further discovery, pretrial and trial.
- 5. The relief sought.
- 6. 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: August 31, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE