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

LUCARIA TENORIO, et al.,)	Case No.: 1:16-cv-00283 DAD JLT
)	
Plaintiffs,)	ORDER SETTING SETTLEMENT CONFERENCE
)	
v.)	
)	
GABRIEL GALLARDO SR., et al.,)	
)	
Defendants.)	
)	

Judge Dale A. Drozd ordered the parties to contact the Court to schedule a settlement conference. They have done this and agreed upon a date for the conference. Thus, the Court

ORDERS:

1. The settlement conference is scheduled for **March 12, 2019** at 1:30 p.m., located at 510 19th Street, Bakersfield, California;

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 terms**¹ discussed at the conference.

Consideration of settlement is a serious matter that requires preparation prior to the settlement

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

3 3. **No later than Wednesday, February 26, 2019**, the plaintiffs **SHALL** submit to the
4 defendant via fax or e-mail, a written itemization of damages and a meaningful² settlement demand
5 which includes a brief explanation of why such a settlement is appropriate;

6 4. **No later March 4, 2019**, the defendant **SHALL** respond via fax or e-mail, with an
7 acceptance of the offer or with a meaningful counteroffer, which includes a brief explanation of why
8 such a settlement is appropriate.

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

12 A. **CONFIDENTIAL SETTLEMENT CONFERENCE STATEMENT**

13 **No later than March 8, 2019**, the parties shall submit, directly to Judge Thurston's chambers
14 by e-mail to JLTOrders@caed.uscourts.gov, a Confidential Settlement Conference Statement. The
15 statement **should not be filed** with the Clerk of the Court **nor served on any other party**, although
16 the parties may file a Notice of Lodging of Settlement Conference Statement. Each statement shall be
17 clearly marked "confidential" with the date and time of the Settlement Conference indicated
18 prominently thereon.

19 The Confidential Settlement Conference Statement shall include the following:

20 A. A brief statement of the facts of the case.

B.21 A brief statement of the claims and defenses, i.e., statutory or other grounds upon which the claims are
22 founded; a forthright evaluation of the parties' likelihood of prevailing on the claims and defenses; and
23 a description of the major issues in dispute.

24 C. A summary of the proceedings to date.

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27 ² "Meaningful" means the offer is reasonably calculated to settle the case on terms acceptable to the offering party.
28 "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.

1 D. An estimate of the cost and time to be expended for further discovery, pretrial and trial.

2 E. The relief sought.

3 F. The party's position on settlement, including present demands and offers and a history
4 of past settlement discussions, offers and demands. **They SHALL include a discussion of why they**

5 **believe the case is now in a settlement posture and why they believe the case can settle now,**

6 **despite the unwillingness of the parties to settle at the time of the last settlement conference.**

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8 IT IS SO ORDERED.

9 Dated: **February 22, 2019**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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