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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL P. KLAHN, Sr.,
Plaintiff,
v.
R. SEITZ,
Defendant.

Case No. 1:16-cv-00342-DAD-JLT (PC)
**ORDER SETTING SETTLEMENT
CONFERENCE**
DATE: January 7, 2019
TIME: 9:00 a.m.

On October 19, 2018 the parties were ordered to notify the court whether a settlement conference would be beneficial. (Doc. 29.) After a review of the response, the Court has determined that this case will benefit from a settlement conference. Therefore, this case will be referred to Magistrate Judge Jeremy D. Peterson to conduct a settlement conference at the U. S. District Court, 2500 Tulare Street, Fresno, California 93721 in Courtroom #6 on January 7, 2019 at 9:00 a.m.

Thus, the Court **ORDERS**:

1. A settlement conference has been set for January 7, 2019 at 9:00 a.m. in Courtroom #6 before Magistrate Judge Jeremy D. Peterson at the U. S. District Court, 2500 Tulare Street, Fresno, California 93721.
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

1 persons having full authority to negotiate and settle the case on any reasonable terms¹
2 discussed at the conference. Consideration of settlement is a serious matter that
3 requires preparation prior to the settlement conference. Set forth below are the
4 procedures the Court will employ, absent good cause, in conducting the conference.

5 3. The parties must be prepared to discuss the claims, defenses and damages. The failure
6 of any counsel, party or authorized person subject to this order to appear may result in
7 the imposition of sanctions. In addition, the conference will not proceed and will be
8 reset to another date.

9 4. **No later than December 3, 2018**, Plaintiff **SHALL** submit to Defendants, by mail, a
10 written itemization of damages and a meaningful² settlement demand, which includes
11 a brief explanation of why such a settlement is appropriate, not to exceed ten pages in
12 length.

13 5. **No later than December 21, 2019**, Defendants **SHALL** respond, by telephone or in
14 person, with an acceptance of the offer or with a meaningful counteroffer, which
15 includes a brief explanation of why such a settlement is appropriate. If settlement is
16 achieved, defense counsel is to immediately inform the Courtroom Deputy of
17 Magistrate Judge Thurston.

18 6. If settlement is not achieved informally, the defendant is directed to submit
19 confidential settlement statements **no later than December 28, 2018** to
20 jdorders@caed.uscourts.gov. Plaintiff may mail his confidential settlement statement
21 Attn: Magistrate Judge Jeremy D. Peterson, USDC CAED, 2500 Tulare Street, Fresno,
22 California 93721 so it arrives **no later than December 28, 2018**. The envelope shall
23 be marked "Confidential Settlement Statement." Parties are also directed to file a

24 ¹ Insurance carriers, business organizations, and governmental bodies or agencies whose settlement
25 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.

26 ² "Meaningful" means the offer is reasonably calculated to settle the case on terms acceptable to the offering
27 party. "Meaningful" does not include an offer which the offering party knows will not be acceptable to the other
28 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 “Notice of Submission of Confidential Settlement Statement.” (See L.R. 270(d).)

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

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7 The confidential settlement statement shall be **no longer than five pages** in length,
8 typed or neatly printed, and include the following:

- 9
- 10 a. A brief statement of the facts of the case.
 - 11 b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon
12 which the claims are founded; a forthright evaluation of the parties’ likelihood of
13 prevailing on the claims and defenses; and a description of the major issues in
14 dispute.
 - 15 c. A summary of the proceedings to date.
 - 16 d. An estimate of the cost and time to be expended for further discovery, pretrial, and
17 trial.
 - 18 e. The relief sought.
 - 19 f. The party’s position on settlement, including present demands and offers and a
20 history of past settlement discussions, offers, and demands.
 - 21 g. A brief statement of each party’s expectations and goals for the settlement
22 conference, including how much a party is willing to accept and/or willing to pay.

23
24 IT IS SO ORDERED.

25 Dated: November 17, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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