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

ISAIAH JOEL PETILLO,  
Plaintiff,  
v.  
J.L. PETERSON, et al.,  
Defendants.

**1:16-cv-00488-AWI-JLT (PC)**  
**ORDER SETTING SETTLEMENT  
CONFERENCE**

In response to a recent order requiring the parties to notify the Court of the potential settlement of this case, all parties have responded expressing a willingness to engage in good-faith settlement discussions before the undersigned. (See Docs. 85, 89.)

Accordingly, the Court **ORDERS** as follows:

1. This case is set for a settlement conference on February 15, 2019, at 9:00 a.m. at the United States Courthouse, 510 19th Street, Suite 200, Bakersfield, CA 93301;
2. All dates in this matter are **STAYED** and all outstanding motions are **TERMINATED** pending resolution of the settlement conference.
3. **Appearances**
  - a. 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

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

- 5 b. Plaintiff shall appear via **video-conference** or **telephonically**. The first option  
6 is preferred if it is within Kern Valley State Prison's technical capabilities. The  
7 Court will issue a writ for plaintiff's participation at the settlement conference  
8 separately.
- 9 c. The parties must be prepared to discuss the claims, defenses and damages. The  
10 failure of any counsel, party or authorized person subject to this order to  
11 appear may result in the imposition of sanctions. In addition, the conference  
12 will not proceed and will be reset to another date.

13 **4. Settlement Procedures and Statements**

- 14 a. **No later than February 1, 2019**, Plaintiff **SHALL** submit to Defendants, by  
15 mail, a written itemization of damages and a meaningful<sup>2</sup> settlement demand,  
16 which includes a brief explanation of why such a settlement is appropriate, not  
17 to exceed ten pages in length.
- 18 b. Thereafter, **no later than February 8, 2019**, Defendants **SHALL** respond, by  
19 telephone or in person, with an acceptance of the offer or with a meaningful  
20 counteroffer, which includes a brief explanation of why such a settlement is  
21 appropriate. If settlement is achieved, defense counsel is to immediately  
22 inform the Courtroom Deputy of Magistrate Judge Thurston.
- 23 c. If settlement is not achieved informally, each party is directed to submit

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25 <sup>1</sup> Insurance carriers, business organizations, and governmental bodies or agencies whose settlement  
26 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.

27 <sup>2</sup> "Meaningful" means the offer is reasonably calculated to settle the case on terms acceptable to the offering  
28 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.

1 confidential settlement statements no later than February 8, 2019, to  
2 [jltorders@caed.uscourts.gov](mailto:jltorders@caed.uscourts.gov). Plaintiff shall mail his confidential settlement  
3 statement to U. S. District Court, ADR Director, 501 I Street, Suite 4-200,  
4 Sacramento, California 95814 so it arrives no later than **February 12, 2019**. If  
5 a party desires to share additional confidential information with the Court, they  
6 may do so pursuant to the provisions of Local Rule 270(d) and (e). Parties are  
7 also directed to file a “Notice of Submission of Confidential Settlement  
8 Statement” (See L.R. 270(d)).

- 9 d. Settlement statements **should not be filed** with the Clerk of the court **nor**  
10 **served on any other party**. Settlement statements shall be clearly marked  
11 “confidential” with the date and time of the settlement conference indicated  
12 prominently thereon.
- 13 e. The confidential settlement statement shall be **no longer than five pages** in  
14 length, typed or neatly printed, and include the following:
- 15 i. A brief statement of the facts of the case.
  - 16 ii. A brief statement of the claims and defenses, i.e., statutory or other  
17 grounds upon which the claims are founded; a forthright evaluation of  
18 the parties’ likelihood of prevailing on the claims and defenses; and a  
19 description of the major issues in dispute.
  - 20 iii. A summary of the proceedings to date.
  - 21 iv. An estimate of the cost and time to be expended for further discovery,  
22 pretrial, and trial.
  - 23 v. The relief sought.
  - 24 vi. The party’s position on settlement, including present demands and  
25 offers and a history of past settlement discussions, offers, and demands.
  - 26 vii. A brief statement of each party’s expectations and goals for the  
27 settlement conference.

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5. The Clerk of the Court is **DIRECTED** to serve a copy of this order on the litigation office at Kern Valley State Prison via facsimile at (661) 720-4949.

IT IS SO ORDERED.

Dated: November 14, 2018

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE