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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

INTERVAL EQUIPMENT SOLUTIONS,
INC.,

Plaintiff,

v.

SANDVIK MINING AND
CONSTRUCTION USA, LLC,

Defendant.

Case No. 1:16-cv-00512-LJO-SKO

ORDER RE SETTLEMENT CONFERENCE

This action has been referred to the undersigned for a settlement conference and a settlement conference is currently set for **March 2, 2017, at 11:15 a.m.**, in Courtroom 9 before the undersigned. 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 terms**¹ at the conference.

Confidential Settlement Conference Statement: By **4:00 p.m. on February 28, 2017**, the parties shall submit a Confidential Settlement Conference Statement directly to Judge Boone's chambers by e-mail to SABOrders@caed.uscourts.gov. The statement **should not be**

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 shall be represented by a person or persons who occupy high executive positions in the party organization and who will be directly involved in the process of approval of any settlement offers or agreements. To the extent possible the representative shall have the authority, if he or she deems it appropriate, to settle the action on terms consistent with the opposing party's most recent demand.

1 **filed** with the Clerk of the Court **nor served on any other party**, although the parties may file a
2 Notice of Lodging of Settlement Conference Statement. Each statement shall be clearly marked
3 “confidential” with the date and time of the Settlement Conference indicated prominently thereon.

4 The Confidential Settlement Conference Statement shall include the following:

- 5 A. A brief statement of the facts of the case.
- 6 B. A brief statement of the claims and defenses, i.e., statutory or other
7 grounds upon which the claims are founded; a forthright evaluation of the
8 parties’ likelihood of prevailing on the claims and defenses; and a
9 description of the major issues in dispute.
- 10 C. A summary of the proceedings to date.
- 11 D. An estimate of the cost and time to be expended for further discovery,
12 pretrial and trial.
- 13 E. The relief sought.
- 14 F. The party's position on settlement, including present demands and offers
15 and a history of past settlement discussions, offers and demands.

16 The Court will vacate the settlement conference if the Court finds the settlement
17 conference will be neither productive nor meaningful to attempt to resolve all or part of this case.
18 As far in advance of the settlement conference as possible, a party shall inform the Court and
19 other parties that it believes the case is not in a settlement posture so the Court may vacate or
20 reset the settlement conference. Otherwise the parties shall proceed with the settlement
21 conference in good faith to attempt to resolve all or part of the case.

22 IT IS SO ORDERED.

23 Dated: **February 27, 2017**

24 
25 UNITED STATES MAGISTRATE JUDGE