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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ABEL P. REYES,)	Case No.: 1:16-cv-00586 DAD JLT
)	
Plaintiffs,)	ORDER SETTING SETTLEMENT
)	CONFERENCE
v.)	
)	
M. FLORES,)	
)	
Defendants.)	
)	

As a matter of policy, Judge Drozd **requires** all parties to engage in a formal settlement conference *regardless* of whether they believe a settlement conference is likely to yield a compromise. Thus, the Court sets a settlement conference on **May 17, 2019** at 9:00 a.m. and

ORDERS:

1. The plaintiff will appear by telephone. Defense counsel may appear by telephone, if he files a request to do so by **May 10, 2019**;
2. Unless otherwise permitted in advance by the Court, **the attorney who will try the case SHALL** appear at the Settlement Conference **with the parties** and the person or persons having authority to negotiate and settle the case **on any reasonable terms**¹ discussed at the conference.
3. Consideration of settlement is a serious matter that requires preparation prior to

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

3 a. **No later than April 12, 2019**, the plaintiff **SHALL** submit to the
4 defendant via fax or e-mail, a written itemization of damages and a **meaningful**² settlement
5 demand which includes a brief explanation of why such a settlement is appropriate. Thereafter,
6 **no later than April 26, 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
8 why such a settlement is appropriate. If it appears productive, the parties **SHALL** continue to
9 exchange offers until settlement is achieved, or it appears settlement cannot be achieved absent
10 the Court's assistance.

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

14 b. **No later than April 10, 2019**, the defense shall submit by e-mail to
15 JLTOOrders@caed.uscourts.gov, a confidential settlement conference statement. So that it is
16 **received no later than April 10, 2019**, the plaintiff **SHALL** submit his settlement conference
17 statement to:

18 United States Courthouse
19 510 19th Street, Suite 200
20 Bakersfield, CA 93301

21 The statements **should not be filed** with the Clerk of the Court **and need not be served**
22 **on any other party**. The parties may file a Notice of Lodging of Settlement Conference
23 Statement. Each statement shall be clearly marked "confidential" with the date and time of the
24 Settlement Conference indicated prominently thereon.

25 c. The confidential settlement conference statement shall include the
26 following:

27 _____
28 ² "Meaningful" means the offer is **reasonably calculated** to settle the case on terms acceptable to the other party. "Meaningful" does not include an offer which the offering party knows will not be acceptable to the opponent. In making the meaningful offers, the parties should consider the evidence as well as the risk that the jury will not find in their favor.

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1. A brief statement of the facts of the case.
2. A brief statement of the claims and defenses, i.e., statutory or other grounds upon which the claims are founded; a forthright evaluation of the parties' likelihood of prevailing on the claims and defenses; and a description of the major issues in dispute.
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: March 25, 2019

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE