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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK KERZICH and  
TIMOTHY WERTZ,

Plaintiffs,

v.

COUNTY of TUOLUMNE,

Defendant.

CASE NO. 1:16-cv-01116-DAD-SAB

ORDER REGARDING SETTLEMENT  
CONFERENCE

PERSONAL APPEARANCE BY PLAINTIFF  
AND DEFENSE COUNSEL REQUIRED

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This case is set for a Settlement Conference before Magistrate Judge Barbara A. McAuliffe on **October 2, 2017 at 9:30 am** in Courtroom 8 at the U.S. District Court, 2500 Tulare Street, Fresno, California, 93721. Unless otherwise permitted in advance by the Court, the attorneys who will try the case shall personally 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, at the conference.

No later than seven days prior to the settlement conference, each party shall submit directly to Judge McAuliffe's chambers at bamorders@caed.uscourts.gov, a confidential settlement conference statement. This statement should neither be filed with the clerk of the Court nor served on any other party. Each statement shall be clearly marked "CONFIDENTIAL" with the date and time of the

1 mandatory settlement conference indicated prominently.

2       The settlement statement should not be lengthy but shall include a brief recitation of the facts,  
3 a discussion of the strengths and weaknesses of the case, an estimate of the cost and time to be  
4 expended for further pretrial and trial matters, and the relief sought. The parties are also directed to  
5 include a candid statement on the party's position on settlement, **including the amount which the**  
6 **party will accept to settle, realistic settlement expectations**, present settlement proposals, and a  
7 history of past settlement discussions, offers, demands, and a report on settlement efforts to date.

8       This Court will vacate the settlement conference if the Court finds the settlement conference  
9 will be neither productive nor meaningful to attempt to resolve all or part of this case. As far in  
10 advance of the settlement conference as possible, a party shall inform the Court and other parties that  
11 it believes the case is not in a settlement posture so the Court may vacate or reset the settlement  
12 conference. Otherwise the parties shall proceed with the settlement conference in good faith to attempt  
13 to resolve all or part of the case.

14  
15 IT IS SO ORDERED.

16 Dated: August 18, 2017

/s/ Barbara A. McAuliffe  
17 UNITED STATES MAGISTRATE JUDGE