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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK KERZICH, et. al.,

Plaintiff,

v.

COUNTY OF TOLUMNE,

Defendants.

CASE NO. 1:16-cv-001116-DAD-SAB

ORDER REGARDING SETTLEMENT
CONFERENCE

PERSONAL APPEARANCE BY PLAINTIFF
AND DEFENSE COUNSEL REQUIRED

This case is set for a Settlement Conference before Magistrate Judge Barbara A. McAuliffe on **September 5, 2018 at 10:00 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, a
3 discussion of the strengths and weaknesses of the case, an estimate of the cost and time to be expended
4 for further pretrial and trial matters, and the relief sought. The parties are also directed to include a
5 candid statement on the party's position on settlement, **including the amount which the party will**
6 **accept to settle, realistic settlement expectations**, present settlement proposals, and a history of past
7 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 will
9 be neither productive nor meaningful to attempt to resolve all or part of this case. As far in advance of
10 the settlement conference as possible, a party shall inform the Court and other parties that it believes the
11 case is not in a settlement posture so the Court may vacate or reset the settlement conference. Otherwise
12 the parties shall proceed with the settlement conference in good faith to attempt to resolve all or part of
13 the case.

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15 IT IS SO ORDERED.

16 Dated: August 28, 2018

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