



1 is appropriate;

2 b. **No later than February 16, 2017**, Defendant SHALL respond, via fax or e-  
3 mail, with an acceptance of the offer or with a meaningful counteroffer, which includes a brief  
4 explanation of why such a settlement is appropriate.

5 c. If settlement is not achieved, each party SHALL attach copies of their settlement  
6 offers to their Confidential Settlement Conference Statement, as described below. Copies of these  
7 documents shall not be filed on the court docket.

8 d. **No later than February 17, 2017**, the parties shall submit, directly to Judge  
9 Oberto's chambers by e-mail to SKOOrders@caed.uscourts.gov, a Confidential Settlement Conference  
10 Statement. The statement should not be filed with the Clerk of the Court nor served on any other party,  
11 although the parties may file a Notice of Lodging of Settlement Conference Statement. Each statement  
12 shall be clearly marked "confidential" with the date and time of the Settlement Conference indicated  
13 prominently thereon;

14 e. The Confidential Settlement Conference Statement shall include the following:

- 15 A. A brief statement of the facts of the case;
- 16 B. 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 the parties' likelihood of  
18 prevailing on the claims and defenses; and a description of the major issues in dispute;
- 19 C. A summary of the proceedings to date;
- 20 D. An estimate of the cost and time to be expended for further discovery,  
21 pretrial and trial;
- 22 E. The relief sought;
- 23 F. The party's position on settlement, including present demands and offers  
24 and a history of past settlement discussions, offers and demands.

25  
26 IT IS SO ORDERED.

27 Dated: **February 9, 2017**

**/s/ Jennifer L. Thurston**  
28 UNITED STATES MAGISTRATE JUDGE