

1 Defendant via fax or e-mail, a written itemization of damages and a meaningful¹ settlement
2 demand, which includes a brief explanation of why such a settlement is appropriate;

3 3. Thereafter, **no later than 14 days before** the settlement conference, Defendant
4 **SHALL** respond via fax or e-mail, with an acceptance of the offer or with a meaningful
5 counteroffer, which includes a brief explanation of why such a settlement is appropriate.

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

9 5. **At least one week before** the Settlement Conference, the parties shall submit,
10 directly to chambers by e-mail to JLTOOrders@caed.uscourts.gov, a Confidential Settlement
11 Conference Statement. The statement should not be filed with the Clerk of the Court nor served on
12 any other party, although the parties may file a Notice of Lodging of Settlement Conference
13 Statement. Each statement shall be clearly marked “confidential” with the date and time of the
14 Settlement Conference indicated prominently thereon;

15 6. The Confidential Settlement Conference Statement shall include the following:

- 16 A. A brief statement of the facts of the case;
- 17 B. A brief statement of the claims and defenses, i.e., statutory or other grounds
18 upon which the claims are founded; a forthright evaluation of the parties’ likelihood of prevailing
19 on the claims and defenses; and a description of the major issues in dispute;
- 20 C. A summary of the proceedings to date;
- 21 D. An estimate of the cost and time to be expended for further discovery,
22 pretrial and trial;
- 23 E. The relief sought;

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¹ “Meaningful” means that the offer is reasonably calculated to settle the case on terms acceptable to the offering party. “Meaningful” does not include an offer which the offering party knows will not be acceptable to the other party.

1 F. The party's position on settlement, including present demands and offers
2 and a history of past settlement discussions, offers and demands.

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4 IT IS SO ORDERED.

5 Dated: December 6, 2017

/s/ Jennifer L. Thurston
6 UNITED STATES MAGISTRATE JUDGE

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