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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JOSE ROBERTO ZAIZA,

12 Plaintiff,

13 v.

14 C. GUTHRIE,

15 Defendant.
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Case No.: 1:16-cv-01862-LJO-JLT (PC)

ORDER SETTING SETTLEMENT
CONFERENCE

17 The Court has determined that this case will benefit from a settlement conference.
18 Therefore, the Court sets a settlement conference on **October 5, 2018** at 9:00 a.m. at the U. S.
19 Courthouse, 510 19th Street, Bakersfield, California. The Court will issue the necessary
20 transportation order in due course.

21 In accordance with the above, the Court **ORDERS**:

22 1. The parties **SHALL** file a signed “Waiver of Disqualification,” or notice of non-
23 waiver of disqualification, **no later than July 22, 2018**;

24 2. Unless otherwise permitted in advance by the Court, **the attorneys who will try**
25 **the case shall appear** at the Settlement Conference **with the parties** and the person or persons
26 having **full authority** to negotiate and settle the case **on any reasonable terms**¹ discussed at the

27 ¹ Insurance carriers, business organizations, and governmental bodies or agencies whose settlement
28 agreements are subject to approval by legislative bodies, executive committees, boards of directors or the like may be

conference. Consideration of settlement is a serious matter that requires preparation prior to the settlement conference. Set forth below are the procedures the Court will employ, absent good cause, in conducting the conference.

3. **At least 21 days before** the settlement conference, Plaintiff **SHALL** submit to Defendant via fax or e-mail, a written itemization of damages and a meaningful² settlement demand which includes a brief explanation of why such a settlement is appropriate. Thereafter, **no later than 14 days before** the settlement conference, Defendant **SHALL** respond via fax or e-mail, with an acceptance of the offer or with a meaningful counteroffer, which includes a brief explanation of why such a settlement is appropriate.

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

5. **At least five court days before** the settlement conference, the parties shall submit, directly to Judge Thurston's chambers by e-mail to JLTOrders@caed.uscourts.gov, a Confidential Settlement Conference Statement. The statement **should not be filed** with the Clerk of the Court **nor served on any other party**, although the parties may file a Notice of Lodging of Settlement Conference Statement. Each statement shall be clearly marked "confidential" with the date and time of the Settlement Conference indicated prominently thereon.

The Confidential Settlement Conference Statement shall include the following:

- i. A brief statement of the facts of the case.
- ii. 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.
- iii. A summary of the proceedings to date.

represented by a person whose recommendations about settlement are relied upon by the ultimate decision makers.
² "Meaningful" means 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. If, however, the offering party is only willing to offer a settlement which it knows the other party will not accept, this should trigger a recognition the case is not in a settlement posture and the parties should confer about continuing the settlement conference via stipulation.

1 iv. An estimate of the cost and time to be expended for further discovery,
2 pretrial and trial.

3 v. The relief sought.

4 vi. The party's position on settlement, including present demands and offers
5 and a history of past settlement discussions, offers and demands.

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7 IT IS SO ORDERED.

8 Dated: June 22, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSE ROBERTO ZAIZA,
Plaintiff,

v.
C. GUTHRIE,
Defendant.

Case No.: 1:16-cv-01862-LJO-JLT (PC)
WAIVER OF DISQUALIFICATION

Under Local Rule 270(b) of the Eastern District of California, the parties to the herein action affirmatively request that Magistrate Judge Jennifer L. Thurston participate in the settlement conference scheduled for October 5, 2018. To the extent the parties consent to trial of the case before the assigned Magistrate Judge, they waive any claim of disqualification to the assigned Magistrate Judge trying the case thereafter.

Dated: _____

Plaintiff, Jose Roberto Zaiza

Dated: _____

Attorney for Defendant