## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	) Case No.: 1:17-cv-00044 AWI EPG
Plaintiff,	) ORDER RE: SETTLEMENT CONFERENCE )
v.	)
MARQUEZ BROTHERS INTERNATIONAL INC.,	) ) )
Defendant.	)

This matter has been referred for settlement conference to occur on August 29, 2018 at 9:30 a.m. at the United States Courthouse, located at 510 19<sup>th</sup> Street, Bakersfield, California. Thus, the Court **ORDERS**:

- 1. Unless otherwise permitted in advance by the Court, the attorneys who will try the case shall appear at the Settlement Conference with the parties and the person or persons having full authority to negotiate and settle the case on terms discussed at the 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:
  - 2. 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 meaningful<sup>1</sup> settlement demand, which includes a brief explanation of why such a settlement is appropriate;

- 3. Thereafter, <u>no later than 14 days before</u> 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 one week before the Settlement Conference, the parties shall submit, directly to 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;
  - 6. The Confidential Settlement Conference Statement shall include the following:
    - A. A brief statement of the facts of the case;
- B. 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;
  - C. A summary of the proceedings to date;
- D. An estimate of the cost and time to be expended for further discovery, pretrial and trial;
  - E. The relief sought;

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<sup>&</sup>lt;sup>1</sup> "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. If a party cannot make a "meaningful" offer, this should trigger a recognition that this case may not be in a settlement posture. In this event, counsel **SHALL** meet and confer to discuss continuing or vacating the conference,

1	F.	The party's pos	sition on settlement, including present demands and offers and
2	a history of past settl	lement discussion	s, offers and demands.
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4	IT IS SO ORDEREI	).	
5	Dated: <b>July</b> 9	9, 2018	/s/ Jennifer L. Thurston
6			UNITED STATES MAGISTRATE JUDGE
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