



1 Defendant via fax or e-mail, a written itemization of damages and a meaningful<sup>1</sup> settlement demand,  
2 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 counteroffer,  
5 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, pretrial  
22 and trial;  
23 E. The relief sought;

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27 <sup>1</sup> “Meaningful” means that the offer is reasonably calculated to settle the case on terms acceptable to the offering party.  
28 “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 position on settlement, including present demands and offers and  
2 a history of past settlement discussions, offers and demands.

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4 IT IS SO ORDERED.

5 Dated: July 9, 2018

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

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