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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIO TOLLS, TANISHA WILEY, TANYA MORRISON, and ARISSA DICKSON TOLLS,)	Case No.: 1:17-CV-00776 AWI JLT
)	
)	ORDER SETTING SETTLEMENT
)	CONFERENCE
Plaintiffs,)	
)	
vs.)	
)	
DHARAM PAL and VIJAY PAL,)	
)	
Defendants.)	

At the request of the parties, the Court sets a settlement conference on **January 7, 2019** at 9:30 a.m. and **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 authority to negotiate and settle the case **on any reasonable terms**¹ discussed at the conference.

2. 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.

a. **No later than December 21, 2018**, the plaintiff **SHALL** submit to the defendant

¹ Insurance carriers, business organizations, and governmental bodies or agencies whose settlement agreements are subject to approval by legislative bodies, executive committees, boards of directors or the like may be represented by a person whose recommendations about settlement are relied upon by the ultimate decision makers.

1 via fax or e-mail, a written itemization of damages and a meaningful² settlement demand which
2 includes a brief explanation of why such a settlement is appropriate. Thereafter, **no later than**
3 **December 28, 2018**, the defendant **SHALL** respond via fax or e-mail, with an acceptance of the
4 offer or with a meaningful counteroffer, which includes a brief explanation of why such a
5 settlement is appropriate. If it appears productive, the parties **SHALL** continue to exchange
6 offers until settlement is achieved or it appears settlement cannot be achieved absent the Court's
7 assistance.

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

11 b. **No later than January 4, 2018**, the parties shall submit by e-mail to
12 JLTOOrders@caed.uscourts.gov, a confidential settlement conference statement. The statement
13 **should not be filed** with the Clerk of the Court **and need not be served on any other party**.
14 The parties may file a Notice of Lodging of Settlement Conference Statement. Each statement
15 shall be clearly marked "confidential" with the date and time of the Settlement Conference
16 indicated prominently thereon.

17 c. The confidential settlement conference statement shall include the following:
18 1. A brief statement of the facts of the case.
19 2. A brief statement of the claims and defenses, i.e., statutory or other
20 grounds upon which the claims are founded; a forthright evaluation of the parties' likelihood of
21 prevailing on the claims and defenses; and a description of the major issues in dispute.
22 3. A summary of the proceedings to date.
23 4. An estimate of the cost and time to be expended for further discovery,
24 pretrial and trial.
25 5. The relief sought.

27 ² "Meaningful" means the offer is **reasonably calculated** to settle the case on terms acceptable to the other
28 party. "Meaningful" does not include an offer which the offering party knows will not be acceptable to the opponent.
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.

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

IT IS SO ORDERED.

Dated: December 18, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE