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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ETCHEGARAY FARMS, LLC, a
California limited liability company,

Plaintiff,

v.

LEHR BROTHERS, INC., et al,

Defendants.

CASE NO. 1:17-CV-01449-AWI-JLT

**ORDER RE FURTHER SETTLEMENT
CONFERENCE**

(Doc. 29)

AND RELATED ACTION

The Court conducted a settlement conference recently at which it appeared that settlement was not achievable because the parties had not sufficiently discovered the factual contentions of their opponent. At the conference, the parties agreed that the Court would set a further settlement conference.

As agreed by counsel, the conference will begin with the attorneys explaining their clients' factual contentions and the evidence upon which their contentions are based. Counsel will not argue the law or argue why they believe the law supports their cases. Counsel may pose questions, though their opponent need not answer if doing so appears to be unproductive to the settlement process or would violate an attorney's duty to the client.

1 The parties are encouraged to be present during this exchange, but they may also choose
2 to be available by telephone or to wait in an anteroom. If they appear at the exchange, they are
3 encouraged to observe but not to contribute directly to the information, though they will not be
4 precluded from doing so, unless their contributions become unproductive to the settlement process.
5 The attorneys and clients will be permitted to confer in private, as necessary.

6 The Court will not be present for the presentation of the factual contentions by counsel,
7 unless all counsel desire otherwise. Once the factual exchange is complete, the Court will facilitate
8 further settlement discussions. The factual exchange will commence at 10 a.m. with the defense
9 presenting first (because this information exchange was the defense's idea). The settlement
10 conference, if productive, may continue through as late as 3 p.m., though it will terminate by 3
11 p.m., no matter the progress¹.

12 If any party disagrees with this process as described, they **SHALL** file an objection **and**
13 **LODGE** the objection via email to JLTOOrders@caed.uscourts.gov (copied to opposing counsel)
14 no later than noon on September 7, 2018. If there is an objection, the Court will vacate the further
15 settlement conference, though it will be amenable to setting a further settlement conference in the
16 future, once needed formal discovery is completed, if jointly requested. Upon these circumstances,
17 the Court **ORDERS**:

18 1. The Court sets a further settlement conference on September 10, 2018 at 10:00 a.m.
19 It will conclude no later than 3 p.m.;

20 2. Pending the further settlement conference, the case is **STAYED**.

21
22 IT IS SO ORDERED.

23 Dated: September 5, 2018

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

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28 ¹ Counsel and the parties may bring snacks and beverages to the settlement conference. If they choose to do so, they will respect the cleanliness of the courthouse and be responsible for their own cleanup.