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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PHILLIP CASTANEDA,
Plaintiff,
v.
KRAFT HEINZ FOODS COMPANY,
LLC,
Defendants.

Case No. 1:17-cv-01538-DAD-BAM
ORDER SETTING SETTLEMENT
CONFERENCE

A settlement conference is scheduled before United States Magistrate Judge Jeremy D. Peterson on October 1, 2018 at 11:00 a.m. at the U.S. District Court, 2500 Tulare Street, Fresno, California 93721, in Courtroom 6, 7th Floor.

Unless otherwise permitted in advance by the court, *the attorneys who will try the case* shall personally appear at the settlement conference with the parties and the person or persons *having full authority* to negotiate and settle the case, on any terms, at the conference. The representative from each party must have unlimited authority and unfettered discretion—at the time of the settlement conference—to negotiate and enter into a binding settlement. This authority must include fully exploring settlement options and agreeing to any settlement term acceptable to the parties. Those attending the settlement conference must be prepared to discuss the claims, defenses, and damages. The failure of any counsel, party, or authorized person subject to this order to appear in person may result in the imposition of sanctions. The conference

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2 will not proceed and will be reset to another date.

3 Each party must send a confidential settlement statement to the following email address:
4 **jdorders@caed.uscourts.gov**. Settlement statements must arrive no later than September 24,
5 2018. At the same time, parties must also file a *Notice of Submission of Confidential Settlement*
6 *Conference Statement (See Local Rule 270(d))*. Settlement statements *should neither be filed*
7 *with the Clerk of the Court nor served on any other party*. Settlement statements must be marked
8 confidential and indicate the date and time of the settlement conference. The confidential
9 settlement statement must be no longer than five pages in length, typed or neatly printed, and
10 include the following:

- 11 1. A brief statement of the facts of the case;
- 12 2. A brief statement of the claims and defenses, *i.e.*, statutory or other grounds upon
13 which the claims are founded; a forthright evaluation of the parties of the likelihood of
14 prevailing on the claims and defenses; and a description of the major issues in dispute;
- 15 3. An estimate of the cost and time to be expended for further discovery, pretrial, and
16 trial;
- 17 4. The party's position on settlement, including present demands and offers and a history
18 of past settlement discussions, offers, and demands;
- 19 5. A brief statement of each party's realistic expectations and goals for the settlement
20 conference, including how much a party is willing to accept and/or willing to pay; and
21 6. If the parties intend to discuss possible joint settlement of any other actions or claims
22 not in this suit, a brief description of each action or claim as set forth above, including
23 case number(s) if applicable.

24 This court will vacate the settlement conference if the court finds the settlement
25 conference will be neither productive nor meaningful to attempt to resolve all or part of this case.
26 If a party believes that the case is not in a settlement posture, it shall inform the court and other
27 parties as far in advance of the settlement conference as possible so that the court may vacate or
28 reset the settlement conference. Otherwise, the parties shall proceed with the settlement

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conference in good faith to attempt to resolve all or part of the case.

IT IS SO ORDERED.

Dated: September 4, 2018


UNITED STATES MAGISTRATE JUDGE