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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

H & M GOPHER CONTROL,
ALLEN HURLBURT,

Plaintiffs,

v.

BENCHMARK PEST CONTROL, INC.,
ANDREW OZANICH,

Defendants

No. 1:17-CV-01700 JLT

**ORDER REGARDING SETTLEMENT
CONFERENCE PROCEDURES**

The Court sets a settlement conference for February 5, 2019, at 1:00 PM before Magistrate Judge Erica P. Grosjean.

Unless otherwise permitted in advance by the Court, the attorneys who will try the case shall appear at the Settlement Conference. It is recommended that pertinent evidence to be offered at trial, documents or otherwise, be brought to the settlement conference for presentation to the settlement judge. Neither the settlement conference statements nor communications during the settlement conference with the settlement judge can be used by either party in the trial of this case.

Absent permission from the Court, in addition to counsel who will try the case being present, the individual parties shall also be present¹. In the case of corporate parties, associations or other entities, and insurance carriers, a representative executive with authority to discuss, consider, propose and agree, or disagree, to any settlement proposal or offer shall also be present.

¹ In prisoner civil rights cases, a representative from the Attorney General's Office is sufficient as a party representative.

1 A representative with unlimited authority shall either attend in person or be available by phone
2 throughout the conference. In other words, having settlement authority “up to a certain amount”
3 is not acceptable.

4 **IF ANY PARTY BELIEVES THAT A SETTLEMENT CONFERENCE WOULD**
5 **BE FUTILE, THEN THAT PARTY SHALL CONTACT THE COURT NOT LATER**
6 **THAN SEVENTY-TWO HOURS PRECEDING THE SCHEDULED SETTLEMENT**
7 **CONFERENCE.**

8 *Confidential Settlement Statements*

9 At least five (5) court days prior to the settlement conference, each party shall submit a
10 Confidential Settlement Conference Statement in Word format directly to Judge Grosjean’s
11 Chambers at epgorders@caed.uscourts.gov. The statement shall not be filed on the docket or
12 served on any other party. Each statement shall be clearly marked "confidential" with the date
13 and time of the settlement conference clearly noted on the first page. The Confidential Settlement
14 Conference Statement shall include the following:

- 15 A. A brief statement of the facts of the case.
- 16 B. A brief statement of the claims and defenses, i.e., statutory or other grounds
17 upon which the claims are founded; a forthright evaluation of the parties'
18 likelihood of prevailing on the claims and defenses; and a description of the major
19 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.
- 24 F. The party's position on settlement, including present demands and offers and a
25 history of past settlement discussions, offers and demands.

26 The parties shall contact that the designated settlement conference judge’s chambers to
27 ascertain whether additional settlement conference procedures are required.

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IT IS SO ORDERED.

Dated: September 11, 2018

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE