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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KYLE NARGIZ,

Plaintiff,

v.

STUART SHERMAN, et al.,

Defendants.

No. 1:19-cv-01173-AWI-GSA-PC

**ORDER REGARDING SETTLEMENT
CONFERENCE PROCEDURES**

The Court sets a settlement conference for May 5, 2022, at 1:00 p.m., before Magistrate Judge Erica P. Grosjean. The conference will be held remotely by Zoom.

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 present. 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 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 Defendants shall provide a confidential settlement statement no later than April 28, 2022,
10 to the following email address: epgorders@caed.uscourts.gov. If plaintiff does not have access to
11 email, plaintiff shall mail his confidential settlement statement, clearly captioned “Confidential
12 Settlement Conference Statement,” Attn: Magistrate Judge Erica P. Grosjean, United States
13 District Court, 2500 Tulare Street, Room 1501, Fresno, CA 93721 so that it arrives no later than
14 April 28, 2022. Parties shall also file a Notice of Submission of Confidential Settlement
15 Conference Statement which advises the Court and other parties that a Confidential Settlement
16 Conference Statement has been submitted to the Court. The Confidential Settlement Conference
17 Statement shall not be filed on the docket or served on any other party. Each statement shall be
18 clearly marked "confidential" with the date and time of the settlement conference clearly noted on
19 the first page. The Confidential Settlement Conference Statement shall include the following:

- 20 A. A brief statement of the facts of the case.
- 21 B. A brief statement of the claims and defenses, i.e., statutory or other grounds
22 upon which the claims are founded; a forthright evaluation of the parties'
23 likelihood of prevailing on the claims and defenses; and a description of the major
24 issues in dispute.
- 25 C. A summary of the proceedings to date.
- 26 D. An estimate of the cost and time to be expended for further discovery, pretrial
27 and trial.
- 28 E. The relief sought.

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F. 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: January 11, 2022

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE