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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE DEMON FRUTOS, et al.,
Plaintiffs,
v.
UNITED STATES OF AMERICA,
Defendant.

No. 1:22-cv-00482 TLN CDB

ORDER

Magistrate Judge Allison Claire will hold a settlement conference in this case on September 24, 2024, at 9:00 a.m. The settlement conference will be held via Zoom unless the parties request that the conference be conducted in person; login details will be provided prior to the date of the conference. The court expects that the parties will proceed with the settlement conference in good faith and attempt to resolve all or part of the case. If any party believes that the settlement conference will not be productive, that party shall so inform the court as far in advance of the settlement conference as possible. Unless otherwise specifically authorized by the court in advance of the settlement conference, the following individuals must participate in the settlement conference: (1) all of the attorney(s) who will try the case; (2) the parties; and (3) individuals with full authority to negotiate and settle the case, on any terms.

No later than September 10, 2024, each party must submit to Judge Claire's chambers at acorders@caed.uscourts.gov a confidential settlement conference statement. These statements

1 should not be filed on the docket; however, each party shall e-file a one-page document entitled
2 Notice of Submission of Confidential Settlement Conference Statement. The statements should
3 be marked "CONFIDENTIAL" and should state the date and time of the conference.

4 While brevity is appreciated, each statement must include:

5 (1) a brief recitation of the facts;

6 (2) a discussion of the strengths and weaknesses of the case, from your party's
7 perspective;

8 (3) an itemized estimate of your party's expected costs for further discovery, pretrial, and
9 trial matters, in specific dollar terms;

10 (4) your best estimate of the probability that plaintiff will obtain a finding of liability
11 should this case proceed to trial, in percentage terms;

12 (5) should this case proceed to trial and defendant be found liable, please provide the
13 following, in specific dollar terms:

14 (a) a realistic high-end recovery estimate (i.e., realistic best- or worst-case
15 scenario)

16 (b) a realistic low-end recovery estimate (i.e., realistic worst- or best-case
17 scenario), and

18 (c) a best estimate of the most likely outcome;

19 (6) a history of settlement discussions, including:

20 (a) a statement of your expectations for settlement discussions;

21 (b) a listing of any past and present settlement offers from any party (including all
22 terms);

23 (c) whether your party would consider making the opening offer or demand, and
24 what that offer might be;

25 (7) a list of the individuals who will be participating in the settlement conference on your
26 party's behalf, including each participant's name and, if appropriate, title;

27 (8) identification of any related cases or of any other cases that the parties might wish to
28 discuss at this settlement conference; and

1 (9) a completed worksheet (blank version attached) highlighting your responses to certain
2 of the above questions.

3 Judge Claire will hold a short, pre-settlement conference via Zoom on September 16, 2024
4 at 11:00 . Only the lead attorney from each side¹ should participate. At Judge Claire's discretion,
5 the joint discussion may be followed by private discussions between the judge and each party.
6 Zoom login information will be provided in advance of September 16, 2024.

7 In accordance with the above, it is hereby ORDERED that:

8 1. A pre-settlement conference is set before Magistrate Judge Claire on September 16,
9 2024 at 11:00 a.m.

10 2. A settlement conference is set before Magistrate Judge Claire on September 24, 2024,
11 at 9:00 a.m.

12 3. No later than September 10, 2024, each party must submit a confidential settlement
13 conference statement, as described above, to Magistrate Judge Claire.

14 DATED: August 27, 2024

15 
16 ALLISON CLAIRE
17 UNITED STATES MAGISTRATE JUDGE

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27 _____
28 ¹ The court expects that the attorneys participating in the pre-settlement conference discussion
will also participate in the settlement conference.

Pre-Settlement Worksheet

<i>Please fill in each value below</i>	
<i>Additional cost to your party expected for . . . discovery</i>	\$
<i>. . . pretrial</i>	\$
<i>. . . trial</i>	\$
<i>Estimated probability of liability finding</i>	%
<i>Realistic high-end estimate of recovery by P</i>	\$
<i>Realistic low-end estimate of recovery by P</i>	\$
<i>Best estimate of recovery by P</i>	\$
<i>Last offer/demand (if any) previously made by your party</i>	\$
<i>Last offer/demand (if any) previously made by opposing party</i>	\$
<i>Proposed next offer/demand by your party</i>	\$