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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, *et al.*,  
*ex rel.* LOYD F. SCHMUCKLEY, JR.,

Plaintiffs,

v.

RITE AID CORPORATION, *et al.*,

Defendants.

Case No. 2:12-cv-01699-KJM-JDP

ORDER (1) SETTING SETTLEMENT  
CONFERENCE, (2) REQUIRING PERSONAL  
ATTENDANCE BY CERTAIN  
INDIVIDUALS, (3) REQUIRING FILING OF  
DISQUALIFICATION WAIVER, (4)  
REQUIRING SETTLEMENT CONFERENCE  
STATEMENT MEETING CERTAIN  
PARAMETERS, AND (5) SCHEDULING  
PRE-CONFERENCE DISCUSSION

STATE OF CALIFORNIA *ex rel.* LOYD  
F. SCHMUCKLEY, JR.,

Plaintiff,

v.

RITE AID CORPORATION, *et al.*,

Defendants.

Magistrate Judge Jeremy D. Peterson will hold a settlement conference by Zoom on February 8, 2023, at 10:00 a.m. The Zoom settlement conference invitation will be distributed the week prior. 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

1 conference will not be productive, that party shall so inform the court as far in advance of the  
2 settlement conference as possible. Unless otherwise specifically authorized by the court in  
3 advance of the settlement conference, the following individuals must participate in the settlement  
4 conference: (1) all of the attorney(s) who will try the case; (2) the parties; and (3) individuals with  
5 full authority to negotiate and settle the case, on any terms.

6 No later than noon on January 30, 2023, each party must file a Notice of Waiver of  
7 Disqualification of Settlement Judge Pursuant to Local Rule 270(b) form. The form is available  
8 on the court's website at: <https://www.caed.uscourts.gov/caednew/index.cfm/forms/civil/>.

9 No later than noon on January 30, 2023, each party must submit to Judge Peterson's  
10 chambers at [jdporders@caed.uscourts.gov](mailto:jdporders@caed.uscourts.gov) a confidential settlement conference statement. These  
11 statements should neither be filed on the docket nor served on any other party. The statements  
12 should be marked "CONFIDENTIAL" and should state the date and time of the conference.

13 While brevity is appreciated, each statement must include:

14 (1) a brief recitation of the facts;

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

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

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

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

23 (a) a realistic high-end recovery estimate (*i.e.*, realistic best- or worst-case  
24 scenario)

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

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

28

- 1 (6) a history of settlement discussions, including:
- 2 (a) a statement of your expectations for settlement discussions;
- 3 (b) a listing of any past and present settlement offers from any party (including all
- 4 terms);
- 5 (c) whether your party would consider making the opening offer or demand, and
- 6 what that offer might be<sup>1</sup>;
- 7 (7) a list of the individuals who will be participating in the settlement conference on your
- 8 party's behalf, including each participant's name and, if appropriate, title;
- 9 (8) identification of any related cases or of any other cases that the parties might wish to
- 10 discuss at this settlement conference; and
- 11 (9) a completed worksheet (blank version attached) highlighting your responses to certain
- 12 of the above questions.

13 In addition, a joint statement quoting the specific proposed language for the Settlement

14 Agreement and Affidavit including each party's contentions with respect thereto.

15 Judge Peterson will hold a short, pre-settlement conference telephone discussion on

16 February 2, 2023 at 2:00 p.m. (dial-in number: 1-888-557-8511; passcode: 1273468). Only the

17 lead attorney from each side<sup>2</sup> should participate. At Judge Peterson's discretion, the joint

18 telephonic discussion may be followed by private telephonic discussions between the judge and

19 each party.

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

- 21 1. A pre-settlement conference is set before Magistrate Judge Peterson on February 2,
- 22 2023 at 2:00 p.m.
- 23 2. A settlement conference is set before Magistrate Judge Peterson on February 8, 2023,
- 24 at 10:00 a.m.

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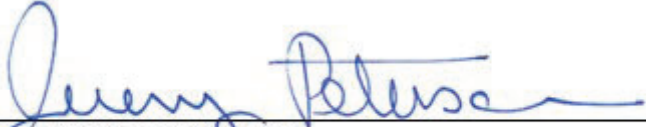
27 <sup>1</sup> Please note that Judge Peterson will consider this response, among others, in evaluating whether proceeding with a settlement conference appears worthwhile.

28 <sup>2</sup> The court expects that the attorneys participating in the telephone discussion will also participate in the settlement conference.

1           3. No later than noon on January 30, 2023, each party m file a Notice of Waiver of  
2 Disqualification of Settlement Judge Pursuant to Local Rule 270(b) form.

3           4. No later than noon on January 30, 2023, each party must submit a confidential  
4 settlement conference statement, as described above, to Magistrate Judge Peterson.

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6 Dated: January 25, 2023

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8 JEREMY D. PETERSON  
9 UNITED STATES MAGISTRATE JUDGE  
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## 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>                     | \$                                     |