

1 should be marked “CONFIDENTIAL” and should state the date and time of the conference. The
2 statements should not be lengthy but should include:

3 (1) a brief recitation of the facts;

4 (2) a discussion of the strengths and weaknesses of the case;

5 (3) an itemized estimate of the expected costs for further discovery, pretrial, and trial
6 matters, in specific dollar terms;

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

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

11 (a) a realistic high-end recovery estimate (*i.e.*, realistic best- or worst-case
12 scenario);

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

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

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

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

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

20 (c) whether your party would consider making the opening offer or demand, and
21 what that offer might be¹;

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

24
25 (8) identification of any related cases or of any other cases that the parties might wish to
26 discuss at this settlement conference.

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

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

1. A settlement conference is set before Magistrate Judge Peterson on December 1, 2021, at 10:00 a.m.
2. No later than November 24, 2021, each party must submit a confidential settlement conference statement, as described above, to Magistrate Judge Peterson.

Dated: November 2, 2021



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE