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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM HOUSTON,
Plaintiff,
v.
L. ELDRIDGE, et al.,
Defendants.

No. 2:16-cv-2561 WBS KJN P

ORDER SETTING SETTLEMENT
CONFERENCE

Plaintiff is a state prisoner, proceeding through counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. The Court has determined that this case will benefit from a settlement conference. Therefore, this case will be referred to Magistrate Judge Jennifer L. Thurston to conduct a settlement conference on April 15, 2021, at 10:00 a.m. The settlement conference will be conducted by remote means, to be determined at a later date and time. The court will issue the necessary transportation order in due course.

In accordance with the above, IT IS HEREBY ORDERED that:

1. This case is set for a settlement conference before Magistrate Judge Jennifer L. Thurston on **April 15, 2021**, at 10:00 a.m. The settlement conference will be conducted by remote means, to be determined at a later date and time.
2. Unless otherwise permitted in advance by the Court, **the attorneys who will try the**

1 **case shall appear** at the settlement conference **with the parties** and the person or
2 persons having **full authority** to negotiate and settle the case **on any reasonable**
3 **terms**¹ discussed at the conference. Consideration of settlement is a serious matter
4 that requires preparation prior to the settlement conference.

5 3. **At least 21 days before** the settlement conference, Plaintiff **SHALL** submit to
6 Defendant via fax or e-mail, a written itemization of damages and a meaningful²
7 settlement demand which includes a brief explanation of why such a settlement is
8 appropriate. Thereafter, no later than 14 days before the settlement conference,
9 Defendant **SHALL** respond via fax or e-mail, with an acceptance of the offer or with a
10 meaningful counteroffer, which includes a brief explanation of why such a settlement
11 is appropriate. **The parties SHALL continue to exchange counteroffers until it is**
12 **no longer productive.** If settlement is achieved, defense counsel is to immediately
13 inform the courtroom deputy of Magistrate Judge Thurston.

14 4. If settlement is not achieved, each party **SHALL** attach copies of their settlement
15 offers to their Confidential Settlement Conference Statement, as described below.
16 Copies of these documents shall not be filed on the court docket. **At lease five court**
17 **days before** the settlement conference, the parties shall submit, directly to Judge
18 Thurston's chambers by e-mail to JLTOOrders@caed.uscourts.gov, a Confidential
19 Settlement Conference Statement. The statement **should not be filed** with the Clerk
20 of the Court **nor served on any other party**, although the parties may file a Notice of
21 Lodging of Settlement Conference Statement. Each statement shall be clearly marked
22 "confidential" with the date and time of the settlement conference indicated

23
24 ¹ Insurance carriers, business organizations, and governmental bodies or agencies whose settlement agreements are
25 subject to approval by legislative bodies, executive committees, boards of directors or the like may be represented by
a person whose recommendations about settlement are relied upon by the ultimate decision makers.

26 ² "Meaningful" means the offer is reasonably calculated to settle the case on terms acceptable to the offering party.
27 "Meaningful" does not include an offer which the offering party knows will not be acceptable to the other party. If,
28 however, the offering party is only willing to offer a settlement which it knows the other party will not accept, this
should trigger a recognition the case is not in a settlement posture and the parties should confer about continuing the
settlement conference via stipulation.


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prominently thereon.

The Confidential Settlement Conference Statement shall include the following:

- a. A brief statement of the facts of the case.
- b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon which the claims are founded; a forthright evaluation of the parties' likelihood of prevailing on the claims and defenses; and a description of the major issues in dispute.
- c. A summary of the proceedings to date.
- d. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
- e. The relief sought.
- f. The party's position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands.

Dated: February 8, 2021


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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