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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 MICHAEL AARON WITKIN,

12 Plaintiff,

13 v.

14 D. ROSARIO, *et al.*,

15 Defendants.
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Case No. 2:20-cv-00126-TLN-DMC (PC)

ORDER (1) SETTING SETTLEMENT
CONFERENCE, (2) REQUIRING PERSONAL
ATTENDANCE BY CERTAIN
INDIVIDUALS, AND (3) REQUIRING
SETTLEMENT CONFERENCE
STATEMENT MEETING CERTAIN
PARAMETERS

17 Magistrate Judge Jeremy D. Peterson will hold a settlement conference by Zoom on
18 January 4, 2022 at 10:00 a.m. Counsel for the defendant(s) is directed to contact the court via
19 ncannarozzi@caed.uscourts.gov, one week prior to the scheduled settlement conference to report
20 on the institution's ability, in light of any COVID 19 restrictions, to produce the inmate for a
21 remote appearance. The court expects that the parties will proceed with the settlement conference
22 in good faith and attempt to resolve all or part of the case. If any party believes that the
23 settlement conference will not be productive, that party shall so inform the court as far in advance
24 of the settlement conference as possible. Unless otherwise permitted in advance by the court, the
25 following individuals must attend the settlement conference: (1) all of the attorney(s) who will try
26 the case; and (2) individuals with full authority to negotiate and settle the case, on any terms.

27 No later than one week prior to the settlement conference, each party must submit to
28 Judge Peterson's chambers at jdporders@caed.uscourts.gov, or by mail at U.S. District Court,

1 501 I Street, Sacramento, CA 95814, a confidential settlement conference statement. These
2 statements should neither be filed on the docket nor served on any other party. The statements
3 should be marked “CONFIDENTIAL” and should state the date and time of the conference. The
4 statements should not be lengthy but should include:

- 5 (1) a brief recitation of the facts;
- 6 (2) a discussion of the strengths and weaknesses of the case;
- 7 (3) an itemized estimate of the expected costs for further discovery, pretrial, and trial
8 matters, in specific dollar terms;
- 9 (4) your best estimate of the probability that plaintiff will obtain a finding of liability
10 should this case proceed to trial, in percentage terms;
- 11 (5) should this case proceed to trial and defendant be found liable, please provide the
12 following, in specific dollar terms:
 - 13 (a) a realistic high-end recovery estimate (*i.e.*, realistic best- or worst-case
14 scenario);
 - 15 (b) a realistic low-end recovery estimate (*i.e.*, realistic worst- or best-case
16 scenario); and
 - 17 (c) a best estimate of the most likely outcome;
- 18 (6) a history of settlement discussions, including:
 - 19 (a) a statement of your expectations for settlement discussions;
 - 20 (b) a listing of any past and present settlement offers from any party (including all
21 terms);
 - 22 (c) whether your party would consider making the opening offer or demand, and
23 what that offer might be¹;
- 24 (7) a list of the individuals who will be participating in the settlement conference on your
25 party’s behalf, including each participant’s name and, if appropriate, title; and
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27 ¹ Please note that Judge Peterson will consider this response, among others, in evaluating
28 whether proceeding with a settlement conference appears worthwhile.

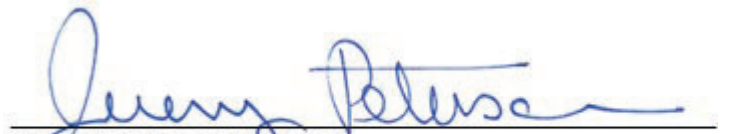
1 (8) identification of any related cases or of any other cases that the parties might wish to
2 discuss at this settlement conference.

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

4 1. A settlement conference is set before Magistrate Judge Peterson on January 4, 2022, at
5 10:00 a.m.

6 2. No later than December 28, 2021, each party must submit a confidential settlement
7 conference statement, as described above, to Magistrate Judge Peterson.

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10 Dated: November 17, 2021


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE