



1 marked “CONFIDENTIAL” and should state the date and time of the conference. While brevity  
2 is appreciated, each statement must include:

3 (1) a brief recitation of the facts;

4 (2) a discussion of the strengths and weaknesses of the case, from your party’s  
5 perspective;

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

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

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

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

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

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

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

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

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

21 (c) whether your party would consider making the opening offer or demand, and  
22 what that offer might be<sup>1</sup>;

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

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

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

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

3 In addition, a joint statement quoting the specific proposed language for the Settlement  
4 Agreement and Affidavit including each party's contentions with respect thereto.

5 Judge Peterson will hold a short, pre-settlement conference telephone discussion on  
6 December 2, 2022 at 2:00 p.m. (dial-in number: 1-888-557-8511; passcode: 1273468). Only the  
7 lead attorney from each side<sup>2</sup> should participate. At Judge Peterson's discretion, the joint  
8 telephonic discussion may be followed by private telephonic discussions between the judge and  
9 each party.

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

11 1. A pre-settlement conference is set before Magistrate Judge Peterson on December 2,  
12 2022 at 2:00 p.m.

13 2. A settlement conference is set before Magistrate Judge Peterson on December 9, 2022,  
14 at 10:00 a.m.

15 3. No later than November 28, 2022, each party must submit a confidential settlement  
16 conference statement, as described above, to Magistrate Judge Peterson.

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18  
19 Dated: November 18, 2022

  
\_\_\_\_\_  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE

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28 <sup>2</sup> The court expects that the attorneys participating in the telephone 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>	\$