United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Bernard Parrish, et al.,,

Plaintiffs,

v.

NFL Players, Inc, et al.,

Defendants.

_____/

No. C 07-0943 WHA (JL)

NOTICE OF SETTLEMENT CONFERENCE AND SETTLEMENT CONFERENCE ORDER

TO ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that this case has been referred for a Settlement Conference before Magistrate Judge James Larson. The Settlement Conference shall take place on **Wednesday, February 6, 2008 at 2:00 p.m.,** in Judge Larson's chambers, located at the Federal Building, 450 Golden Gate Avenue, 15th Floor, San Francisco, California 94102. **If the court-ordered date presents problems for parties or counsel, counsel is to contact Judge Larson's chambers directly at (415) 522-2112.**

Counsel who will try the case or other counsel responsible for the litigation shall appear at the Settlement Conference with the parties. Any party who is not a natural person shall be represented by an individual not directly involved in the events which give rise to the litigation but with full authority to negotiate a settlement. If a party is a governmental entity, its governing body shall designate one of its members or a senior

Dockets.Justia.com

United States District Court
For the Northern District of California

executive to appear at the Settlement Conference and, if a proposed settlement agreement is reached, to recommend the agreement to the governmental entity for its approval. An insured party shall appear with a representative of the carrier with full authority to negotiate up to the limits of coverage.

Personal attendance will rarely be excused by the Court, and only for substantial hardship. A written application to be available by telephone rather than in person shall be served on opposing counsel and lodged with the judge, along with the Settlement Conference Statement.

Only upon written showing of good cause, submitted at least seven calendar days prior to the settlement conference, will the Court excuse a party or Counsel from mandatory attendance of the settlement conference. Parties or Counsel may be excused from attending the settlement conference only upon written authorization from Judge Larson.

Parties or counsel who fail to attend the settlement conference, and where absence is not authorized by Judge Larson, will be subject to sanctions, pursuant to Federal Rule of Civil Procedure 16(f).

At least seven (7) calendar days before the Settlement conference the parties shall deliver directly to the magistrate judge *two copies* of a Confidential Settlement Conference Statement which should be lodged with chambers and should not be filed with the Clerk of the Court or served upon other parties.

The Confidential Settlement Conference Statement shall be as brief as possible and should rarely exceed 10 pages. It shall include the following:

1. A statement of the facts of the case.

2. A statement of the claims and defenses including, but not limited to, 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.

3. A summary of the proceedings to date.

United States District Court
For the Northern District of California

4. An estimate of the cost and time to be expended for further discovery, pretrial and trial.

5. The relief sought.

6. The party's position on settlement, including a history of past settlement discussions as well as present demands and offers.

7. If there have been no prior discussions, plaintiff must serve a demand letter outlining its theories for recovery, supporting facts and damages in writing before the conference, and defendant must respond in writing before the conference.

If the case involves any claims for injunctive relief, the parties must meet and confer before the scheduled Settlement Conference in order to resolve as many issues as possible. Results of the meet and confer must be included in the Settlement Conference Statement. Failure to comply with these pre-conditions will result in forfeiture of the Settlement Conference date.

Any request to continue the settlement conference shall be submitted in writing after consultation with the opposing party. Submission by facsimile is acceptable at facsimile number (415) 522-2140.

The parties shall notify Magistrate Judge Larson's chambers immediately if this case settles prior to the date set for settlement conference.

DATED: October 19, 2007

James Larson

JAMES LARSON
Chief Magistrate Judge