

UNITED STATES DISTRICT COURT
For the Northern District of California

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UNITED STATES DISTRICT COURT
Northern District of California
Oakland Division

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,		No. C 10-03826 BZ (LB)
	Plaintiff,	ORDER REGARDING AGREEMENTS AND SETTING FURTHER SETTLEMENT CONFERENCE
v.		
UNITED COUNCIL OF HUMAN SERVICES,		
	Defendant.	

The court held a settlement conference on December 6, 2011. At that conference, the parties agreed to the following document exchange and meet-and-confer process (“the agreements”) and agreed that this court would issue this order directing the agreements and setting a further settlement conference.

1. Ms. Gwendolyn Westbrook will coordinate the production of the documents set forth in subparagraphs a through c of this section. She will gather the documents by Friday, December 9, 2011 and provide them to defense counsel Michael Farbstein, who will coordinate producing them to Intervenor-Plaintiff Tanya Thompson’s counsel and the EEOC by Monday, December 12, 2011. The parties will attempt to comply with these deadlines in good faith but may extend them by agreement. The court expects that the parties will accommodate reasonable requests based on reasonable delays, particularly given that counsel have previously-scheduled commitments in other cases, without needing to involve the court in disputes that the parties can resolve themselves.

- 1 a. Source documents (such as requests for proposals, proposals, grant agreements, and grantee
2 contracts) establishing all current sources of funding for the current grant cycles and the
3 grant cycles beginning January 1, 2012, the amount of the funding by source, and the
4 restrictions if any on the use of the funds. It is the court's expectation that this information
5 should provide a current financial snapshot that includes verifiable information, and it should
6 support the data compiled in the Statement of Activities Report (including the data for
7 Miscellaneous Revenue on line 1610).
- 8 b. Current Form 990.
- 9 c. The bylaws or other corporate governance documents establishing the governing structure of
10 United Council (and thus who has the settlement authority referenced in this court's
11 settlement conference order at ECF No. 21 at 2, Section C1).

12 2. Defendant's counsel will coordinate establishing a telephone conference with Sam Lee to
13 review any questions that the EEOC and Ms. Thompson's counsel may have about the documents.
14 Ms. Westbrook will advise Mr. Lee of this agreement by Friday, December 9, 2011, and the parties
15 will have this conference by December 19, 2011, if their schedules and Mr. Lee's schedule permit
16 this date. The court directs the parties to meet and confer before the call to facilitate the orderly and
17 productive exchange of information during the call. Providing Mr. Farbstein with a list of questions
18 in advance, for example, might enable Mr. Lee to efficiently answer the EEOC's and Ms.
19 Thompson's questions about the exchanged documents and the budget. The court emphasizes that
20 this process is not meant to be adversarial but, instead, is an opportunity to answer questions in a
21 cost-effective, efficient way to illuminate the financial issues at play.

22 3. The parties agreed that to the extent that the producing party (the defendant) believes that
23 production of any of this material should be subject to a protective order, the defendant nonetheless
24 will produce the information for purposes of this settlement conference without requiring a
25 protective order first. Thereafter, the parties will sign an appropriate protective order or, if the need
26 for a protective order is disputed, the parties will pursue that remedy before the assigned judge, and
27 the receiving party (the EEOC and Ms. Thompson) will not use the material for any purpose other
28 than settlement negotiations until the assigned judge rules on the request for a protective order.

1 4. After the parties have produced the documents and calendared their telephone call with Mr.
2 Lee, they shall contact courtroom deputy Lashanda Scott at 510-637-3525 for a further attorneys-
3 only telephone settlement conference to take place by December 23, 2011. The parties should
4 submit an updated, informal settlement conference email with only new information by 4 p.m. on the

1 business day before the telephone conference to the court's proposed orders box at
2 lbpo@cand.uscourts.gov. Ms. Thompson and Ms. Westbrook should be available by telephone
3 should the court or their attorneys need to contact them to schedule a further in-person settlement
4 conference.

5 5. If the parties have any difficulties accomplishing the agreements, they may contact Ms. Scott
6 at 510-637-3525 or the court at 510-637-3324 to arrange an interim telephone call.

7 **IT IS SO ORDERED.**

8 Dated: December 6, 2011

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LAUREL BEELER
United States Magistrate Judge

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