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UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

UNITED STATES OF AMERICA,

No. C 11-04181 LB

Plaintiff,

**ORDER RE SETTLEMENT
CONFERENCE**

v.

PAUL J. WARNER,

Defendant.

On April 4, 2013, the court held a hearing on the parties' cross-motions for summary judgment and, on the record, ruled in the government's favor. The government previously had suggested that it was willing to discuss a compromise on the accumulated interest and costs, but given the parties' respective legal positions, the parties did not participate in any settlement discussions. Now, in the new procedural posture, both parties agreed that the court should refer the matter for a settlement conference. The matter has been set before Judge Westmore in Oakland on Monday, April 19, 2013.

As the parties discussed at the April 4 hearing, the government generally negotiates a compromise position about accumulated interest and costs based on the borrower's financial situation. Thus, the issue here no longer is a legal one but instead is a practical one that will be based on Mr. Warner's financial information. If there is not disclosure of relevant information before the settlement conference, then the settlement conference will not be productive. As the court told Mr. Warner at the April 4 hearing, and the government did not disagree, disclosure of the

1 financial information can be made confidentially as part of the settlement proceedings.

2 To ensure that the settlement conference is productive, the court directs the parties to meet and
3 confer in person or by telephone no later than Wednesday, April 10, 2013 and **before** preparing their
4 settlement conference statements that are to be submitted to Judge Westmore by Friday, April 12,
5 2013. They are directed specifically to discuss the kinds of financial information that Mr. Warner
6 needs to provide to the government so that it can meaningfully participate in the settlement process.
7 Thereafter, counsel shall cooperate in providing discovery informally and expeditiously before the
8 settlement conference.

9 **IT IS SO ORDERED.**

10 Dated: April 6, 2013



LAUREL BEELER
United States Magistrate Judge

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