

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
Northern District of California

ZAKARIAH LAFRENIERE,

No. C 12-03701 EDL (MEJ)

Plaintiff(s),

**ORDER SCHEDULING
SETTLEMENT CONFERENCE**

v.

PRADA U.S.A. CPORPORATION,

Defendant(s).

_____ /

This case has been referred for a Settlement Conference before Magistrate Judge Maria-Elena James. The Settlement Conference shall take place on **Tuesday, May 28, 2013, at 10:00 a.m., in Magistrate Judge James' CHAMBERS** (not the courtroom), located on the 15th Floor of the Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102.

On the date of the settlement conference, the parties shall use the intercom adjacent to chambers' security entrance to notify the Court of their arrival.

It is the responsibility of counsel to ensure that whatever discovery is needed for all sides to evaluate the case for settlement purposes is completed by the date of the Settlement Conference. Counsel shall cooperate in providing discovery informally and expeditiously.

Lead trial counsel shall appear at the Settlement Conference with the parties. Any party who is not a natural person shall be represented by the person(s) with **unlimited** authority to negotiate a settlement. A person who needs to call another person not present before agreeing to any settlement

1 does not have full authority. If a party is a governmental entity, its governing body shall designate
2 one of its members or a senior executive to appear at the Settlement Conference with authority to
3 participate in the Settlement Conference and, if a tentative settlement agreement is reached, to
4 recommend the agreement to the governmental entity for its approval. An insured party shall appear
5 with a representative of the carrier with full authority to negotiate up to the limits of coverage.
6 Personal attendance of a party representative will rarely be excused by the Court, and then only upon
7 separate written application demonstrating substantial hardship served on opposing counsel and
8 lodged as early as the basis for the hardship is known but no later than the Settlement Conference
9 Statement.

10 Parties may only be excused from attending the settlement conference in person upon written
11 authorization from Magistrate Judge James. Any such request must be filed as a motion and
12 proposed order at least 14 days in advance of the conference.

13 To reschedule a settlement conference, counsel shall contact the Courtroom Deputy, Rose
14 Maher, at (415) 522-4708 at least seven days in advance to obtain a new date. Counsel shall confirm
15 the new date and time with opposing counsel and thereafter file a joint stipulation and proposed order
16 which sets forth the new date and time of the settlement conference. The original settlement
17 conference date will remain on calendar until the Court receives said joint stipulation.

18 **Each party shall prepare a Settlement Conference Statement, which must be LODGED**
19 **with the undersigned's Chambers (NOT electronically filed) no later than seven (7) calendar**
20 **days prior to the conference.** Statements shall be submitted in a sealed envelope to the Clerk's
21 Office, located at 450 Golden Gate Avenue, 16th Floor, P.O. Box 36060, San Francisco, California
22 94102. Envelopes should be prominently marked "**CONFIDENTIAL - SETTLEMENT**
23 **CONFERENCE STATEMENT - DO NOT FILE.**"

24 **Each party shall also submit their Settlement Conference Statement in .pdf format and**
25 **email their statement to MEJPO@cand.uscourts.gov.**

26 The Settlement Conference Statement need not be served on opposing counsel. The parties
27 are encouraged, however, to exchange Settlement Conference Statements. If Settlement Conference
28

1 Statements are exchanged, any party may submit an additional confidential settlement letter to the
2 Court not to exceed three (3) pages. The contents of this confidential settlement letter will not be
3 disclosed to the other parties.

4 The form and content of the statement may vary depending on the case. Generally, the
5 statement shall include the following:

- 6 1. Statement of Facts. A brief description of the facts giving rise to the case.
- 7 2. Summary of Proceedings. A brief summary of the proceedings to date.
- 8 3. Undisputed Matters. A brief statement of all material facts not in dispute.
- 9 4. Disputed Issues of Fact. A brief statement of disputed material facts.
- 10 5. Disputed Issues of Law. A brief statement of the disputed points of law, including reference
11 to specific statutes and decisions relied upon. Extended legal argument is not appropriate.
12 Reference may be made to Points and Authorities previously filed.
- 13 6. Relief Sought. A statement of the relief sought, including an itemization of all elements of
14 damages and a breakdown of the estimated cost projected for the litigation if it proceeds to
15 trial.
- 16 7. Prior Settlement Discussions. A chronological summary of prior settlement negotiations,
17 including settlement offers and responses thereto.
- 18 8. Settlement Analysis. A forthright evaluation of the strengths and weaknesses of your case and
19 the probabilities of prevailing on the major issues in dispute.
- 20 9. Discrete Issues. Identify and prioritize any discrete issues which, if resolved, would aid in the
21 disposition of the case.
- 22 10. Current Settlement Position. Set forth a reasonable proposal of settlement.

23 It is not unusual for the conference to last three (3) or more hours. Parties are encouraged to
24 participate and frankly discuss their case. Statements they make during the conference will not be
25 admissible at trial in the event the case does not settle. The parties should be prepared to discuss such
26 issues as:

- 27 1. Their settlement objectives.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Any impediments to settlement they perceive.

3. Whether they have enough information to discuss settlement. If not, what additional information is needed?

4. The possibility of a creative resolution of the dispute.

The parties shall notify the Courtroom Deputy, Rose Maher immediately at (415) 522-4708 if this case settles prior to the date set for Settlement Conference. Counsel shall provide a copy of this order to each party who will participate in the conference.

IT IS SO ORDERED.

Dated: February 11, 2013



Maria-Elena James
United States Magistrate Judge