

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

MALIBU MEDIA, LLC,
Plaintiff,

v.

JOHN DOE SUBSCRIBER ASSIGNED IP
ADDRESS 76.102.239.110,
Defendant.

Case No. [16-cv-01017-WHA](#) (SK)

**NOTICE OF SETTLEMENT
CONFERENCE AND SETTLEMENT
CONFERENCE ORDER**

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter was referred to Magistrate Judge Sallie Kim for settlement purposes.

You are hereby notified that a Settlement Conference is scheduled for **August 24, 2016 at 2:00 p.m.** in Courtroom A, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102.

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 does not have full authority. An insured party shall appear with a representative of the carrier with full authority to negotiate up to the limits of coverage. Personal attendance of a party representative will rarely be excused by the Court, and then only upon separate written application demonstrating substantial hardship served on opposing counsel and lodged as early as the basis for the hardship is known but no later than the Settlement Conference Statement.

Each party shall prepare a Settlement Conference Statement, which must be

1 **LODGED with the undersigned’s Chambers (NOT electronically filed) no later than**
2 **fourteen (14) calendar days prior to the conference.** Please 3-hole punch the document at the
3 left side.

4 **All parties shall also submit their Settlement Conference Statement in .pdf format**
5 **and email their statement to SKPO@cand.uscourts.gov.**

6 The Settlement Conference Statement need not be served on opposing counsel. The
7 parties are encouraged, however, to exchange Settlement Conference Statements. The parties
8 should specify in their Settlement Conference Statement whether or not they served it on opposing
9 counsel. If Settlement Conference Statements are exchanged, any party may submit an additional
10 confidential settlement letter to the Court not to exceed three (3) pages. The contents of this
11 confidential settlement letter will not be disclosed to the other parties.

12 The Settlement Conference Statement shall not exceed ten (10) pages of text and twenty
13 (20) pages of exhibits and shall include the following:

- 14 1. A brief statement of the facts of the case.
- 15 2. A brief statement of the claims and defenses including, but not limited to, statutory
16 or other grounds upon which the claims are founded and a candid evaluation of the
17 parties’ likelihood of prevailing on the claims and defenses.
- 18 3. A list of the key facts in dispute and a brief statement of the specific evidence
19 relevant to a determination of those facts.
- 20 4. A summary of the proceedings to date and any pending motions.
- 21 5. An estimate of the cost and time to be expended for further discovery, pretrial and
22 trial.
- 23 6. The relief sought, including an itemization of damages.
- 24 7. The party’s position on settlement, including present demands and offers and a
25 history of past settlement discussions.

26 It is not unusual for the conference to last three (3) or more hours. The parties should be
27 prepared to discuss such issues as:

- 28 1. Their settlement objectives.

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 Chambers immediately at (415) 522-2112 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: July 22, 2016


SALLIE KIM
United States Magistrate Judge