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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAJID MAHROOM, et al.)	
)	
Plaintiff(s),)	No. C07-2351 JF (BZ)
)	
v.)	
)	
BEST WESTERN INTERNATIONAL,)	
INC.,)	
)	
Defendant(s).)	
)	
<u>MAHROOM FAMILY PARTNERSHIP,</u>)	Related Case:
,)	No. C08-0136 JF (BZ)
)	
Plaintiff(s),)	
)	ORDER SCHEDULING SETTLEMENT
v.)	CONFERENCE
)	
BEST WESTERN INTERNATIONAL,)	
INC.,)	
)	
Defendant(s).)	
)	

The above matter was referred to Magistrate Judge Bernard Zimmerman for settlement purposes.

You are hereby notified that a settlement conference is scheduled for **Friday, November 20, 2009 at 9:00 a.m.**, in Courtroom G, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102.

1 It is the responsibility of counsel to ensure that
2 whatever discovery is needed for all sides to evaluate the
3 case for settlement purposes is completed by the date of the
4 settlement conference. Counsel shall cooperate in providing
5 discovery informally and expeditiously.

6 Lead trial counsel shall appear at the Settlement
7 Conference with the parties. Any party who is not a natural
8 person shall be represented by the person or persons **not**
9 **directly involved** in the events which gave rise to the
10 litigation but with **full** authority to negotiate a settlement.
11 A person who needs to call another person not present before
12 accepting, rejecting or making any settlement offer does not
13 have full authority. If a party is a governmental entity, its
14 governing body shall designate one of its members or a senior
15 executive to appear at the Settlement Conference with
16 authority to participate in the Settlement Conference and, if
17 a tentative settlement agreement is reached, to recommend the
18 agreement to the governmental entity for its approval. An
19 insured party shall appear with a representative of the
20 carrier with full authority to negotiate up to the limits of
21 coverage. The Court shall be notified immediately if the
22 carrier declines to attend. Personal attendance of a party
23 representative will rarely be excused by the Court, and then
24 only upon separate written application demonstrating
25 substantial hardship served on opposing counsel and lodged as
26 early as the basis for the hardship is known.

27 Each party shall prepare a Settlement Conference
28 Statement, which must be served on opposing counsel and lodged

1 (not faxed) with my chambers no later than seven calendar days
2 prior to the conference. The Statement shall **not** be filed
3 with the Clerk of the Court. The Statement **may** be submitted
4 on CD-ROM with hypertext links to exhibits. Otherwise, the
5 portion of exhibits on which the party relies **shall** be
6 highlighted. The Settlement Conference Statement shall not
7 exceed ten pages of text and twenty pages of exhibits and
8 shall include the following:

9 1. A brief statement of the facts of the case.

10 2. A brief statement of the claims and defenses
11 including, but not limited to, statutory or other grounds upon
12 which the claims are founded.

13 3. A summary of the proceedings to date and any pending
14 motions.

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

17 5. For any party seeking relief, a description of the
18 relief sought, including an itemization of damages.

19 6. The parties' position on settlement, including
20 present demands and offers and a history of past settlement
21 discussions. The Court's time can best be used to assist the
22 parties in completing their negotiations, not in starting
23 them. Accordingly, plaintiff must serve a demand in writing
24 no later than fourteen days before the conference and
25 defendant must respond in writing no later than eight days
26 before the conference. If plaintiff seeks attorney's fees and
27 costs, plaintiff's counsel shall either include the fee claim
28 in the demand or make a separate, simultaneous demand for fees

1 and costs. Counsel shall be prepared at the conference to
2 provide sufficient information to defendant to enable the fee
3 claim to be evaluated for purposes of settlement. The parties
4 are urged to carefully evaluate their case before taking a
5 settlement position since extreme positions hinder the
6 settlement process.

7 Along with the Statement each party shall lodge with the
8 court a document of no more than three pages containing a
9 **candid** evaluation of the parties' likelihood of prevailing on
10 the claims and defenses, and any other information that party
11 wishes not to share with opposing counsel. The more candid
12 the parties are, the more productive the conference will be.
13 This document shall not be served on opposing counsel.

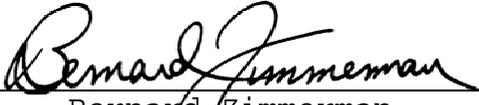
14 It is not unusual for conferences to last three or more
15 hours. Parties are encouraged to participate and frankly
16 discuss their case. Statements they make during the
17 conference will not be admissible at trial in the event the
18 case does not settle. The parties should be prepared to
19 discuss such issues as:

- 20 1. Their settlement objectives.
- 21 2. Any impediments to settlement they perceive.
- 22 3. Whether they have enough information to discuss
23 settlement. If not, what additional information is needed.
- 24 4. The possibility of a creative resolution of the
25 dispute.

26 The parties shall notify Magistrate Judge Zimmerman's
27 chambers immediately if this case settles prior to the date
28 set for settlement conference. Counsel shall provide a copy

1 of this order to each party who will participate in the
2 conference.

3 Dated: October 9, 2009

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5 _____
6 Bernard Zimmerman
7 United States Magistrate Judge

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