

E-Filed 10/27/09

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHIN-LI MOU,

No. C 09-01910 JF (RS)

Plaintiff,

**SETTLEMENT CONFERENCE
ORDER**

v.

WEST VALLEY COLLEGE, et al.,

Defendants.

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter was referred to Magistrate Judge Richard Seeborg for Settlement Conference. You are hereby notified that the conference is scheduled for **December 21, 2009**, at 9:30 a.m. in Courtroom 4, 5th Floor, United States Courthouse, 280 S. First Street, San Jose, California.

Lead trial counsel shall appear at the Settlement Conference with the parties and with the person or persons having full authority to negotiate and to settle the case. In all cases in which a party is insured, the carrier's claims representative and attorney, if any, with full authority to negotiate up to the limits of coverage shall also attend the Settlement Conference.

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United States District Court
For the Northern District of California

1 Personal attendance by counsel will not be excused under any circumstances and personal
2 attendance by a party will rarely be excused. Permission for a party to attend by telephone may be
3 granted upon written request made at least **ten (10) calendar days** in advance of the conference, if
4 the party lives and works outside of the Northern District of California and attendance would
5 constitute a hardship. The nature of the hardship must be explained. A copy of the written request
6 must be served on all other parties. Any objection to the request must be submitted within forty-
7 eight (48) hours of receipt. Both the request and objection may be submitted in letter form either by
8 mail or facsimile to 408/535-5354. If telephone attendance is allowed, the party must be available
9 throughout the entire conference.

10 No later than **seven (7) calendar days** before the Settlement Conference, each party shall
11 submit a Settlement Conference Statement to Magistrate Judge Seeborg in camera. The original
12 Settlement Conference Statement (no copies are necessary) shall be placed in a sealed envelope,
13 clearly marked "Confidential: Settlement Conference Statement; Attn: Clerk for Magistrate Judge
14 Seeborg," and lodged with the Clerk's office, Room 2112 on the second floor of the United States
15 Courthouse, 280 South First Street, San Jose, California. The clerk will forward the Settlement
16 Conference Statement to Magistrate Judge Seeborg's chambers. The Settlement Conference
17 Statement shall not be filed with the Court nor are the parties required to serve the Statement upon
18 the other parties or their counsel.

19 The form and content of the Settlement Conference Statement may vary depending upon the
20 nature of the case, the stage of the proceedings or timing of the conference, and economic
21 considerations. Generally, the Settlement Conference Statement should include the following
22 information:

23 1. Statement of Facts. A brief description of the substance of the claims and defenses
24 presented.

25 2. Summary of Proceedings. A brief list of the motions previously made, the dispositions
26 thereof, and any motions pending resolution.

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1 3. Undisputed Matters. A plain and concise statement of all material facts not reasonably
2 disputable.

3 4. Issues of Fact. A plain and concise statement of the major factual issues in dispute.

4 5. Issues of Law. A brief statement of the disputed points of law with respect to liability
5 and damages with reference to statutes and decisions relied upon. Extended legal argument is not
6 necessary. Reference may be made to memoranda and points and authorities previously filed.

7 6. Relief Sought. A statement of the relief claimed, including a particularized itemization of
8 all elements of damages.

9 7. Prior Settlement Discussions. A summary of prior settlement activity between the
10 parties, including settlement offers and responses thereto.

11 8. Litigation Costs. A brief statement of the approximate litigation costs to date and the
12 estimated cost and time projected for further discovery, pretrial proceedings and trial.

13 9. Settlement Analysis. A brief and forthright evaluation of the strengths and weaknesses of
14 your case and the probabilities of prevailing on the major issues in dispute.

15 10. Discrete Issues. Are there any discrete issues affecting the parties which, if resolved,
16 would aid in the disposition of the case.

17 11. Current Settlement Position. Set forth a reasonable proposal of settlement.

18 Parties are encouraged to participate and frankly discuss their case. Statements they make
19 during the conference will not be admissible at trial to prove or disprove liability in the event the
20 case does not settle. The parties should be prepared to discuss such items as their settlement
21 objectives, any impediments to settlement that they perceive, whether they have enough information
22 to discuss settlement and, if not, what additional information is needed and the possibility of a
23 creative resolution of the dispute.

24 Any request to continue the Settlement Conference shall be submitted in writing as soon as
25 possible after consultation with the opposing party. Submission by facsimile is acceptable at
26 facsimile number 408/535-5354.

1 The parties shall notify Magistrate Judge Seeborg's Chambers immediately at 408/535-5357
2 if this case settles prior to the date set for Settlement Conference.

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4 IT IS SO ORDERED.

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6 Dated: 10/27/09

/s/ Richard Seeborg

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RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE

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