UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

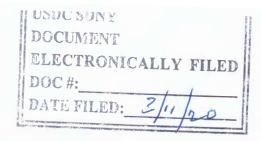
HARSH KHURANA,

Plaintiff,

-against-

WAHED INVEST, LLC, et al.,

Defendants.



18-CV-233 (LAK) (BCM)

ORDER SCHEDULING SETTLEMENT CONFERENCE

BARBARA MOSES, United States Magistrate Judge.

A settlement conference is scheduled before Magistrate Judge Barbara Moses on October 13, 2020, at 2:15 p.m., in Courtroom 20A, 500 Pearl Street, New York, NY 10007.

THE PARTIES ARE DIRECTED TO READ THIS ENTIRE ORDER CAREFULLY. FAILURE TO COMPLY WITH PRE-CONFERENCE RESPONSIBILITIES MAY RESULT IN SANCTIONS.

- 1. Attendance of Parties, Trial Counsel, and Carriers Required. Each party must attend the settlement conference in person, accompanied by that party's lead trial attorney. Counsel must be fully knowledgeable concerning the facts of the case, relevant law, and the progress of the case to date, including settlement discussions.
 - a. If a party is a corporation, union, or other non-natural person, it must send a decision-maker with knowledge of the case and responsibility for determining the amount of any ultimate settlement; that is, a person who decides what settlement authority to give to counsel, not a person who has received, or must seek, authority from someone else within the organization.
 - b. If a party or party representative does not speak English, counsel must arrange for an interpreter to attend the conference and provide simultaneous translation.
 - c. If liability insurance is involved, each relevant carrier must send a

parties' letters should identify that issue and any key case law or statutes. Conversely, if liability is not seriously contested, the letters should focus on damages or other remedies.

- b. A candid assessment of the strengths and weaknesses of the case, including affirmative defenses, together with counsel's realistic assessment of its settlement value or range. If there are any extra-legal impediments to settlement, note them here.
- c. A brief description of settlement negotiations to date, including the date and time of the parties' last good-faith settlement discussion and the terms of each party's most recent demand or offer.
 - d. Any other information likely to be helpful to the settlement process.
- 4. <u>Acknowledgment Form</u>. On the same date that the confidential settlement letters are due, each party shall submit the attached Acknowledgment Form to chambers by email, <u>and serve it on all other parties</u>, identifying the individuals who will attend the settlement conference. <u>Do not file the Acknowledgment Form on ECF</u>.
- 5. <u>Conduct of the Conference</u>. All proceedings at the settlement conference will be confidential. Discussions are "off the record," and may not be used in discovery or at trial. The Court will function as a mediator. Efficient use of this process requires that parties and counsel be prepared for the conference and candid with the Court. At the outset of the conference each party may make a brief presentation in the presence of all parties and counsel. Since the purpose of the conference is to facilitate settlement not to try the case presenters are requested to address their remarks directly to the opposing party and to focus on the issues most relevant to settlement. Following the initial joint session, the Court will work separately with each side in private. During these sessions the Court may address questions directly to the parties (in the

presence of their counsel) and will expect candid responses. In addition, all parties should be

prepared to disclose their legal fees and costs to date and their estimates of fees and costs

through judgment. Additional joint sessions may be convened if likely to advance the goal of

settlement.

Requests to Reschedule the Conference or Modify these Procedures. Requests to 6.

reschedule the settlement conference, or to modify the page limits, attendance requirements, or

other provisions of this Order, must be made by letter-motion, filed via ECF in accordance with

the Individual Practices of Judge Moses, as soon as the need for the adjournment or modification

arises and in any event at least one week (seven calendar days) before the scheduled conference.

Requests for adjournment must include two proposed dates, acceptable to all parties and counsel,

for the rescheduled conference. Before proposing dates, counsel are advised to call chambers to

determine the Court's availability. Requests to modify the attendance requirements will be

granted only on a showing of significant hardship. If the parties settle the case prior to the

scheduled conference, they must promptly so inform the Court by letter, filed via ECF, stating

whether the settlement requires Court approval and, if not, how much time the parties require to

submit a stipulation of dismissal to the district judge.

No Effect on Other Deadlines. Neither the scheduling of a settlement conference 7.

nor any adjournment affects the parties' other litigation deadlines or obligations.

Dated: New York, New York

March 11, 2020

SO ORDERED.

BARBARA MOSES

United States Magistrate Judge

4

ACKNOWLEDGMENT FORM-SETTLEMENT CONFERENCE

Counsel of record for each party must complete and sign this form and email it to the Court at Moses_NYSDChambers@nysd.uscourts.gov, with copies sent simultaneously to all other parties, no later than one week (seven calendar days) before the parties' scheduled settlement conference.

Name of Case:	
Docket No.: Date of Sett. Conference:	
Name of Party Submitting this Form:	□ Pltf. □ Def.
obligation to attend the settlement conference in client is a natural person), or by a client repres decision-maker with knowledge of the case and a settlement. I further acknowledge that if insurance client to settle this action, a representative of	al counsel for the party listed above. I acknowledge my a this action in person, accompanied by my client (if the sentative (if the client is a non-natural person) who is a responsibility for determining the amount of any ultimate be carrier approval, consent, or funding is required for my af each relevant carrier, who is a decision-maker with termining the amount of any ultimate settlement (or the line.
	Il attend the settlement conference in person. r other non-natural person. The following individual will presentative of my client:
Name:	
Title:	
3. Carrier Attendance.* Check one box: ☐ No insurance carrier approval is required for ☐ The following individual will attend the set following insurance carrier:	or my client to settle this case. ettlement conference in person as a representative of the
Name:	
Title/Name of Carrier:	
Date	Signature of Lead Trial Counsel
	Print Name of Lead Trial Counsel

^{*} If you represent more than one party or require approval from more than one carrier you must submit attendance information for all clients and carriers.