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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

CHROMADEx, INC.,	}	No. SACV16-02277 CJC (DFMx)
Plaintiff,		
v.		ORDER SETTING SETTLEMENT CONFERENCE
ELYSIUM HEALTH, INC.,	}	
Defendants.		

A Settlement Conference will be held before the Court in Courtroom 6B of the Ronald Reagan Federal Building and United States Courthouse, 411 West Fourth Street, Santa Ana, California, on **August 22, 2019, at 9:30 a.m.**

The Court believes that consideration of settlement is a serious matter that requires thorough preparation before the settlement conference. Set forth below are the procedures the Court will require the parties to follow and the procedures the Court will typically employ in conducting the conference:

- 1. Attendance of Parties Required.** Parties with full and complete

1 settlement authority are required to personally attend the conference, together
2 with trial counsel for each party. A corporate party shall send a representative
3 with full and complete authority to make settlement decisions. Defendant's
4 representative must have final settlement authority to commit Defendant to
5 pay, in the representative's sole discretion, a settlement amount recommended
6 by the settlement judge up to Plaintiff's prayer (excluding punitive damage
7 prayers), or up to Plaintiff's last demand made prior to the settlement
8 conference, whichever is lower. If the settlement decision will be made in
9 whole or in part by an insurer, the insurer shall send a representative with full
10 and complete authority to make settlement decisions. Failure to produce the
11 appropriate person(s) at the conference and/or failure to participate in good
12 faith may result in an award of costs and attorney's fees incurred by the other
13 parties in connection with the conference and/or other sanctions against the
14 noncomplying party and/or counsel.¹

15 **2. Pre-Conference Settlement Offers.** In order to provide the parties
16 with a starting point for their settlement discussions with the Magistrate Judge,
17 Plaintiff shall advise Defendant of the terms upon which Plaintiff then is
18 prepared to settle the case, in a letter delivered or emailed no later than ten (10)
19 court days prior to the Settlement Conference. Within seventy-two (72) hours
20 of receipt of Plaintiff's settlement offer, Defendant shall respond to the same by
21

22 ¹ When a person whose personal attendance would otherwise be
23 required pursuant to the foregoing paragraphs resides outside Orange County,
24 the Court will consider excusing the personal attendance of such person, so
25 long as such person can and will be available by telephone during the entire
26 settlement conference. If a party desires to avail itself of this excuse from
27 personal attendance, counsel should so request in such party's Settlement
28 Conference Statement. After the party's Settlement Conference Statement is
submitted, counsel should contact the Court's courtroom deputy clerk to
ascertain whether the request has been granted.

1 letter advising Plaintiff of the terms upon which such Defendant is prepared to
2 settle the case. The Court expects the parties to exchange good faith settlement
3 offers.

4 **3. Settlement Conference Statement.** At least five (5) court days
5 before the Settlement Conference, each party shall submit a Settlement
6 Conference Statement to the Magistrate Judge. The parties shall exchange the
7 Statements on the same date. These Statements shall not become a part of the
8 file of the case, but shall be for the use of the Magistrate Judge in preparing for
9 and conducting the settlement conference. Settlement Conference Statements
10 should be delivered to the Court by email to
11 dfm_chambers@cacd.uscourts.gov or directly to chambers on the Sixth Floor
12 of the Santa Ana Courthouse. The Statements may be in letter format and shall
13 not exceed ten (10) pages in length. The parties' respective Statements should
14 address:

15 A. A brief statement of the facts of the case, and of the claims
16 and defenses remaining to be tried, including the statutory or other
17 grounds upon which the claims are founded. This statement should
18 identify the major factual and legal issues in dispute, and cite any
19 controlling authorities.

20 B. An itemized statement of the damages claimed, and of any
21 other relief sought.

22 C. A summary of the proceedings to date, including any case
23 management dates/deadlines already set by the District Judge.

24 D. A history of past settlement discussions, offers and demands,
25 including the most recent settlement offers exchanged pursuant to ¶ 2
26 above. A copy of such party's letter sent pursuant to ¶ 2 above should be
27 attached to such party's Settlement Conference Statement.

28 **4. Confidential Addendum.** Each party shall also prepare a

1 Confidential Addendum to Settlement Conference Statement, which shall be
2 delivered (or emailed) directly to the Magistrate Judge only, simultaneously
3 with the Settlement Conference Statement. The Confidential Addendum shall
4 not be filed with the Court or served upon the other parties. The Confidential
5 Addendum shall contain:

6 A. A forthright evaluation of the party's likelihood of prevailing
7 on each of its claims and/or defenses.

8 B. The approximate amount of attorney's fees, time and costs
9 expended to date, and an estimate of the fees, time and costs to be
10 expended for (i) further discovery, (ii) pretrial and (iii) trial.

11 C. The party's evaluation of the terms on which the other side
12 is prepared to settle the case.

13 D. The party's evaluation of the terms on which the case could
14 be settled fairly, taking into account the litigation position and settlement
15 position of the other side.

16 5. **Format.** The Court will generally use a mediation format, that is,
17 a joint session with opening remarks by the Court, followed by private
18 caucuses.

19 6. **Conference Preparation.** The Court may, in its discretion, contact
20 the parties after review of the Statements and Confidential Addenda to arrange
21 a pre-settlement conference telephone call with counsel. The Court may ask
22 the parties to submit addenda to their statements during this telephone
23 conference.

24 Dated: August 7, 2019

25 
26 _____
27 DOUGLAS F. McCORMICK
28 United States Magistrate Judge