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**IN THE UNITED STATES DISTRICT COURT**

**DISTRICT OF UTAH**

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**FEDERAL TRADE COMMISSION and  
UTAH DIVISION OF CONSUMER  
PROTECTION,**

**Plaintiffs,**

**v.**

**ZURIXX, LLC, a Utah limited liability  
company; et al.,**

**Defendants.**

**SETTLEMENT CONFERENCE ORDER**

**Case No. 2:19-cv-00713-DAK-DAO**

**District Judge Dale A. Kimball**

**Magistrate Judge Daphne A. Oberg**

**Magistrate Judge Jared C. Bennett  
(Settlement)**

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Pursuant to the order of District Judge Dale A. Kimball,<sup>1</sup> this case is hereby set for a settlement conference before Magistrate Judge Jared C. Bennett on July 19, 2021, at 9:00 a.m. The settlement conference will be held at the law offices of Ray Quinney & Nebeker P.C., 36 South State Street, Suite 1400, Salt Lake City, Utah 84111.

**I. Participation of Parties**

Each party, or in the case of an entity, a representative with full settlement authority, must be present for and participate in the settlement conference for its entirety. For represented parties, counsel must also be present at the conference.

**II. Confidential Settlement Conference Statement**

On or before July 16, 2021, each party shall separately deliver to Magistrate Judge Bennett a Confidential Settlement Conference Statement including:

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<sup>1</sup> ECF No. 307.

- A. A concise statement of the evidence the party expects to present at trial.
- B. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
- C. Identification of any discrete issues that, if resolved, would aid in the settlement of the case.
- D. The party's position on settlement, including present demands and offers, and a history of past settlement discussions, demands, and offers.

The Confidential Settlement Conference Statement should be delivered directly to Magistrate Judge Bennett at either [utdecf\\_bennett@utd.uscourts.gov](mailto:utdecf_bennett@utd.uscourts.gov) or U.S. Courthouse, 351 South West Temple, Room 10.440, Salt Lake City, Utah 84101. Copies of the Confidential Settlement Conference Statement shall be neither filed with the Clerk of the Court nor served upon the other parties or counsel. The court and its personnel shall not permit other parties or counsel to have access to these Confidential Settlement Conference Statements.

### **III. Role of Settlement Judge**

The settlement judge will encourage communication among the parties and counsel; assist in identifying areas of agreement and disagreement; encourage resolution of issues; and, if possible, facilitate settlement of the case. The settlement judge will not order terms or conditions of settlement but may evaluate risks and advantages and recommend terms of settlement.

### **IV. Confidentiality**

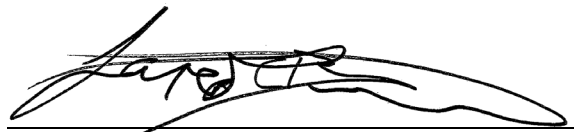
No proceedings of the settlement conference, including any statement made by a party, attorney, or other participant, may be reported, recorded, placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission unless otherwise discoverable. Under DUCivR 16-3(d), a written report for the purposes of informing the referring District Judge whether the dispute has been settled is the only permissible communication allowed

concerning the settlement conference. No party will be bound by anything agreed upon or spoken about at the conference except as provided in a written settlement agreement. No participant in the settlement conference may be compelled to disclose in writing or otherwise, or to testify in any proceeding, as to information disclosed or representations made during the settlement conference process, except as required by law.

IT IS SO ORDERED.

DATED July 14, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Jared C. Bennett', written over a horizontal line.

JARED C. BENNETT  
United States Magistrate Judge