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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DIVISION

XXX,

Plaintiff,

v.

XXX,

Defendants.

Case No. CVXX-XXXX-XXX (DTBx)

**ORDER RE SETTLEMENT  
CONFERENCE**

**PLEASE READ THIS ORDER CAREFULLY**

**IT IS ORDERED** that the parties shall appear for a settlement conference on \_\_\_\_\_, at \_\_\_\_\_ a.m., in Courtroom 4 of the United States District Court, Eastern Division, Riverside Courthouse, located at 3470 Twelfth Street, Riverside, California.

1. Pursuant to Local Rule 16-15.5, all settlement proceedings shall be confidential and no statement made therein shall be admissible in any proceeding unless the parties otherwise agree. No part of a settlement proceeding shall be

1 reported otherwise recorded, without consent of the parties, except for any  
2 memorialization of a settlement.

3         2. Pursuant to Local Rule 16-15.5(b), each party shall appear at the settlement  
4 proceeding in person or by a representative with final authority to settle the case.  
5 Final authority is defined as having authority to settle the matter for the amount of  
6 the last demand or counter-offer made by opposing party. All persons whose consent  
7 is necessary to conclude a settlement shall be present personally. Parties or agents  
8 possessing authority to settle who are located outside of the Central District of  
9 California may be available by telephone, only with the Court's permission, provided  
10 that they remain available by telephone after normal business hours at the place  
11 where the party or agent is located, until released by the Magistrate Judge. If a party  
12 desires to be excused from making a personal appearance, counsel for the party  
13 should immediately contact the clerk to determine whether such a request will be  
14 granted.  
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16         3. If a proposed settlement must be presented for approval to board or  
17 committee, the person whose recommendation is normally followed by the board or  
18 committee must be the person present.

19         4. If this case includes the United States or any of its agencies as a party, the  
20 attendance of the Assistant United States Attorney charged with responsibility for  
21 the conduct for the case and who has final settlement authority as provided by his or  
22 her superiors shall be present. See Local Rule 16-15.5(b).

23         5. Subject to paragraph 2 above, counsel appearing without their clients, or  
24 parties appearing without full settlement authority, will cause the settlement  
25 conference to be cancelled and rescheduled. The noncomplying party, attorney or  
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1 both, may be assessed the costs and expenses incurred by other parties as a result of  
2 such cancellation and rescheduling.

3 6. Unless otherwise excused by the Court, no later than twelve (12) days  
4 before the date of the settlement conference, counsel for the plaintiff shall deliver a  
5 written settlement demand to counsel for defendant. Counsel for defendant shall fax  
6 or hand-deliver a written response to counsel for plaintiff no later than nine (9) days  
7 before the date of the settlement conference; if the plaintiff's demand is not accepted,  
8 defendant's written response must include a counter-settlement offer. Plaintiff must  
9 then fax or hand-deliver a reply to the defendant's counter offer no later than five (5)  
10 days before the date of the settlement conference; if the defendant's counter-offer is  
11 rejected, the plaintiff's reply must contain a counter-settlement demand. All  
12 demands and counter-offers must be accompanied by a brief explanation of the  
13 party's settlement proposal. PLEASE NOTE: FAILURE TO COMPLY WITH  
14 THIS REQUIREMENT OF EXCHANGING SETTLEMENT DEMANDS PRIOR  
15 TO THE CONFERENCE MAY REQUIRE A RESCHEDULING OF THE  
16 SETTLEMENT CONFERENCE.

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18 7. **No later than noon, (7 days before),** each party shall deliver a  
19 **Confidential Settlement Statement by email to the Magistrate Judge's**  
20 **chambers email [DTB Chambers@cacd.uscourts.gov](mailto:DTB_Chambers@cacd.uscourts.gov).** The statement shall be in  
21 the form of a letter and shall not exceed five (5) pages in length. The statement shall  
22 be clearly titled "Confidential," for the purposes of the settlement conference only.  
23 The Confidential Settlement Conference Statement shall not be filed. The statement  
24 shall contain the following information:

- a. A summary of the factual background of the case;
- b. A summary of the important legal and factual issues presented by the case, and the submitting party's position on each issue;
- c. A description of the damages or other relief sought by or against the submitting party;
- d. A summary of the settlement negotiations or other means of alternative dispute resolution utilized prior to the date of the statement, including the content and date of any offers of compromise made or received by the submitting party, and the content and date of any responses to such offers;
- e. A description of the proceedings to date, including any case management/discovery deadlines and any previous rulings by the court on dispositive or other relevant motions;
- f. The trial date, the pre-trial conference date, the estimated length of trial and whether a court or jury trial is contemplated; and
- g. Any other relevant circumstances that counsel believe will assist the Court in conducting the settlement conference.

8. The failure of any party to timely submit a Settlement Conference Statement in compliance with this Order, or otherwise comply strictly with this Order, will result in the Settlement Conference being ordered off calendar and may result in sanctions being imposed.

9. The Magistrate Judge may, in his discretion, converse with the lawyers, the parties, the insurance representatives, or any one of them outside of the hearing of the others. The comments of the judge during such separate sessions are not to be

1 used by counsel in settlement negotiations with opposing counsel. This is a  
2 necessary requirement in order to avoid intentional or unintentional misquotation of  
3 the judge's comments. If all counsel and parties are not present to hear the Court's  
4 opinions, it is all too easy for counsel to misrepresent the Court's comments in an  
5 effort to obtain a tactical advantage with opposing counsel. Violation of this policy  
6 may be misleading and therefore a hindrance to settlement.

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8 10. Counsel should have available for the Court's review copies of all key  
9 documents in the case, including copies of any significant witness statements,  
10 testimony, or portions thereof, that counsel believes will be relevant.

11 11. If settlement between any or all parties is reached as a result of the  
12 Settlement Conference, it is the responsibility of all counsel to immediately report  
13 the settlement to the District Judge's courtroom deputy clerk, as well as to timely  
14 memorialize the settlement. See Local Rule 16-15.7.

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16 Dated: \_\_\_\_\_

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18 DAVID T. BRISTOW  
19 United States Magistrate Judge  
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