

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**MANDATORY SETTLEMENT CONFERENCE REQUIREMENTS FOR
MAGISTRATE JUDGE ALLISON H. GODDARD**

1. **Discovery:** Counsel shall ensure that any discovery necessary to evaluate the case for settlement purposes is completed by the date of the Settlement Conference. Counsel shall cooperate in providing discovery informally and expeditiously.
2. **Plaintiff Must Make a Formal Settlement Proposal:** No later than 21 days before the conference, the plaintiff must serve on the defendant a written settlement proposal, which must include a specific demand amount. The defendant must respond to the plaintiff in writing with a specific offer amount prior to the Meet and Confer discussion. The parties should not file or otherwise copy the Court on these exchanges. Rather, the parties must include their written settlement proposals in their respective Settlement Conference Statements to the Court.
3. **Who Must Attend:** Lead trial counsel shall appear at the conference with the parties. Any party who is not a natural person shall be represented by the person(s) with full authority to negotiate a settlement. An insured party shall appear with a representative of the carrier with full authority to negotiate up to the limits of coverage. A person who needs to call another person who is not present before agreeing to any settlement does not have full authority. Personal attendance of a party is mandatory and will only be excused upon a written request that is timely under the circumstances and demonstrates extraordinary hardship.
4. **Meet and Confer Requirement:** Counsel for the parties must meet and confer (in person or by phone, not by email) to discuss the following matters no later than 14 days before the Settlement Conference:
 - A. Who will attend the conference on behalf of each party, including counsel, client representatives with full authority to make final decisions regarding any settlement offer, and any insurance representatives.
 - B. Identification of any persons or entities, such as a board of directors,

who must approve a proposed settlement agreement before it can be executed, as well as the nature and duration of any such approval process.

- C. Insurance coverage available to cover all or part of the claimed losses or to fund all or part of any party's defense, and status of any tenders for coverage.

5. Settlement Conference Statements and Confidential Settlement Letters: Each party shall prepare a Settlement Conference Statement that will be exchanged with the other parties. Each party may also prepare an optional Confidential Settlement Letter that will be for the Court's review only. Both the Statement and the Letter must be lodged in .pdf format via email to efile_goddard@casd.uscourts.gov (not filed), and must be received no later than 10 calendar days prior to the conference. The Settlement Conference Statement must be served on opposing counsel.

6. Contents of Settlement Conference Statement: The Settlement Conference Statement shall not exceed 10 pages of text and 20 pages of exhibits. Exhibits must be bookmarked within the .pdf file. The Settlement Conference Statement shall include the following:

A. Substance of the Suit

- i. A brief statement of the facts of the case.
- ii. The claims and defenses, including the statutory or other grounds upon which the claims are founded.
- iii. A summary of the proceedings to date, including a list of the motions previously made, their dispositions, and any pending motions.
- iv. A statement of facts not reasonably in dispute.
- v. A list of the key facts in dispute and the specific evidence relevant to a determination of those facts.
- vi. Any discrete issue that, if resolved, would facilitate the resolution of the case.

- vii. A brief statement of the issues of law with respect to liability and damages. The statement must be supported by legal authority, but extended legal argument is not necessary.
 - B. Relief Sought. A statement of the relief sought, including an itemization of damages and any other non-monetary relief.
 - C. Settlement Discussions/Proposal and Response. Except to the extent prohibited by applicable rules of privilege, describe the history and status of any settlement negotiations.
- 7. **Additional Settlement Information:** The parties must submit the additional information below either in the Settlement Conference Statement or the Confidential Settlement Letter. The Confidential Settlement Letter may not exceed 5 pages of text.
 - A. Settlement Analysis:
 - i. For each principal claim and defense, a forthright evaluation of the strengths, weaknesses, likelihood of prevailing, and key legal authorities.
 - ii. The party's perspective regarding why parties' assessments of the settlement value of the case differ.
 - B. Litigation Costs: A statement of litigation costs and attorney fees incurred to date, as well as the estimated costs, fees, and time projected for further discovery, pretrial proceedings, and trial. If a party seeks attorney fees and costs, that party shall provide the legal basis for the claim and sufficient information to evaluate the amount of fees claimed.
 - C. Other Information: Include any other information that might be pertinent to settlement, including the following:
 - i. What needs of your client must be met for the parties to reach a settlement?
 - ii. What needs of the opposing party must be met to reach

a settlement?

- iii. A description of the main obstacles (factual, legal, or other) to reaching agreement, and what might be done to solve them.
 - iv. Do you have enough information to discuss settlement and, if not, what additional information is needed?
 - v. What are the consequences to each side if no settlement is reached?
- D. A realistic settlement figure or terms that, given all the circumstances, the party submitting the Confidential Settlement Letter would consider seriously.
- E. Where the party is insured or is a governmental entity, any foreseeable barriers to insurance coverage or approval of a proposed settlement, or special concerns that the insurer or governmental entity might want addressed.

8. Further Settlement Conferences:

- A. Updated Statements: Unless explicitly relieved of this requirement, the parties shall lodge updated Settlement Conference Statements 10 days prior to the further Settlement Conference, in accordance with Sections 6 and 7, to inform the Court of the status of the action and any developments that have occurred since the last Settlement Conference.
- B. Confidential Settlement Letters: The parties may also lodge updated Confidential Settlement Letters in accordance with Section 7.

9. Notification of Settlement: If the case settles prior to the Settlement Conference, the parties shall immediately file a notice of settlement and notify Judge Goddard's chambers at 619.557.6162.

10. Confidentiality: Parties are encouraged to discuss their case in a respectful and candid manner. To facilitate this, any statements made during the conference will not be admissible at trial.