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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RESHAM SINGH and GURMIT KAUR,)
)
Plaintiffs,)
)
vs.)
)
WELLS FARGO BANK, FEDERAL)
HOME LOAN MORTGAGE)
CORPORATION, et al.,)
)
Defendants.)
_____)

1:10-cv-01659-AWI-SMS
**ORDER RE: SETTLEMENT
CONFERENCE DEADLINES,
RULES AND REQUIREMENTS**
Date: 6/26/12
Time: 10:30 a.m.
Place: Chambers ~ 9th Floor

Consideration of settlement is a serious matter that requires thorough preparation **PRIOR** to the Settlement Conference. The following are the procedures the Court will employ, absent good cause, in conducting the Settlement Conference.

1. Pre-Settlement Conference Exchange of Demand and Offer

A Settlement Conference is more likely to be productive if, **PRIOR** thereto, the parties have exchanged written settlement proposals. Accordingly, at least **twenty-one (21) days** prior to the Settlement Conference, plaintiffs' counsel shall submit a written itemization of damages and settlement demand to defense counsel, together with a brief summary of the legal and factual basis supporting the demand. Thereafter, but no later than **ten (10) days** prior to the Settlement Conference, defense counsel shall submit a

1 written offer to plaintiffs' counsel, together with a brief summary
2 of the legal and factual basis supporting the offer.

3 **2. Submission and Content of Confidential Settlement**

4 **Conference Statements**

5 Confidential Settlement Conference Statements are
6 **MANDATORY**, are not to be e-filed or otherwise made a part of the
7 court docket, and shall be submitted directly to Judge Snyder's
8 chambers at least **five (5) court days** prior to the Settlement
9 Conference, by either U.S. Mail, courier, e-mail to
10 SMSOrders@caed.uscourts.gov, personal delivery to the Clerk's
11 Office, etc., depending on the length, tabs, pictures, etc., of the
12 statement in total. Counsel shall not hesitate to contact Judge
13 Snyder's chambers (559-499-5690) **PRIOR** to submission with any
14 comments, questions, and/or concerns. Additionally, each party
15 shall e-file a Notice of Submission of Confidential Settlement
16 Conference Statement in compliance with Local Rule 270(d).

17 Confidential Settlement Conference Statements shall (be
18 typed, double spaced and) include the following:

- 19 a. A brief summary of the core facts, allegations, and
20 defenses.
- 21 b. A summary of the proceedings to date.
- 22 c. An estimate of the cost and time to be expended for
23 further discovery, pretrial, and trial.
- 24 d. The nature of the relief sought.
- 25 e. An outline of past settlement efforts, including
26 information regarding the "Pre-Settlement Conference Exchange of
27 Demand and Offer" required above, and a history of past settlement
28 discussions, offers, and demands.

1 f. A statement of each party's expectations and goals
2 for the Settlement Conference.

3 **3. Attendance of Trial Counsel and Parties Required**

4 The attorneys who will try the case and parties with full
5 and complete settlement authority are required to personally
6 attend. An insured party shall appear by a representative of the
7 insurer who is authorized to negotiate, and who has authority to
8 settle the matter up to the limits of the opposing parties'
9 existing settlement demand. An uninsured corporate party shall
10 appear by a representative authorized to negotiate, and who has
11 authority to settle the matter up to the amount of the opposing
12 parties' existing settlement demand or offer. A client with
13 authority available by telephone is not an acceptable alternative,
14 except under the most extenuating circumstances, which does not
15 include out-of-town or out-of-state travel and the purchase of an
16 airplane ticket. The Court generally sets aside at least a couple
17 of hours for each conference. Therefore, it is difficult for a
18 party who is not present to appreciate the process and the reasons
19 that may justify a change in one's perspective toward settlement.

20 **4. Mediation Format**

21 The Court expects all counsel and party representatives
22 to be fully prepared to participate. The Court encourages all
23 parties to keep an open mind in order to reassess their previous
24 positions and to discover creative means for resolving the dispute.

25 **5. Issues to Be Discussed**

26 The parties shall be prepared to discuss the following at
27 the Settlement Conference:

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1 a. Goals in the litigation and problems they would like
2 to address in the Settlement Conference and understanding of the
3 opposing side's goals.

4 b. The issues (inside and outside the lawsuit) that
5 need to be resolved.

6 c. The strengths and weaknesses of their case.

7 d. Their understanding of the opposing side's view of
8 the case.

9 e. The points of agreement and disagreement (factual
10 and legal) between the parties.

11 f. Any financial, emotional, and/or legal impediments
12 to settlement.

13 g. Whether settlement or further litigation better
14 enables the accomplishment of their respective goals.

15 h. Any possibilities for a creative resolution of the
16 dispute.

17 **6. Statements Inadmissible**

18 The parties are expected to address each other with
19 courtesy and respect, and are encouraged to be candid and open in
20 their discussions. Statements made by any party during the
21 Settlement Conference are not to be used in discovery and will not
22 be admissible at trial.

23 **7. Admonition**

24 If it is clear to counsel and/or the parties that this
25 case is not in a settlement posture, counsel are directed to
26 contact this Court's chambers (559-499-5690) immediately for a
27 continuance or to take it off calendar. Otherwise, this Court will
28 assume and requires the following:

1 1. That plaintiffs have provided defendants with a
2 timely demand;

3 2. That the parties have met and conferred sufficiently
4 at least once PRIOR to the Settlement Conference regarding possible
5 settlement; and,

6 3. That the parties are therefore ready, willing, and
7 able to settle the case, i.e., defendants have settlement authority
8 and plaintiffs are willing to negotiate in good faith.

9 If there is no settlement authority from either or any
10 party and/or it is the hope that this Court assess strengths and
11 weaknesses of each parties' cases such it will hopefully convince a
12 party to dismiss this lawsuit, **THIS IS NOT SETTLEMENT**. In such a
13 situation, the parties are directed to coordinate a telephonic
14 conference with this Court, through chambers (559-499-5690), **PRIOR**
15 to the Settlement Conference to discuss the status of settlement.
16 Failure to do so could result in sanctions against any or all
17 parties if appearances are made and it was known to one or more
18 parties that the case cannot settle.

19 IT IS SO ORDERED.

20 **Dated: May 30, 2012**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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