



1 Judge will not be involved in the actual trial of the case and will  
2 assist the parties in an objective appraisal and evaluation of the  
3 case.

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5 The following are guidelines for the parties in preparing for  
6 the Settlement Conference.

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8 1. Pursuant to Local Rule 16-15.8, all settlement  
9 proceedings shall be confidential and no statement made therein  
10 shall be admissible in any proceeding in the case, unless the  
11 parties otherwise agree.

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13 2. Counsel who will try the case must be present. In  
14 addition, a person with full settlement authority should likewise  
15 be present for the conference. **This requirement contemplates the**  
16 **physical presence of your client or, if a corporate or governmental**  
17 **entity, of an authorized and knowledgeable representative of your**  
18 **client. Each party shall have a representative present with full**  
19 **settlement authority.** <sup>2</sup>

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21 The purpose of this requirement is to have representatives  
22 present who can settle the case during the course of the conference  
23 without consulting a superior.

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26 <sup>2</sup> This rule does not apply to cases involving pro se plaintiffs.  
27 However, Defendant must have a representative present with  
28 appropriate authority to settle the case. The Court notes that  
counsel for Defendant indicated that the CDCR representative would  
not be present for the conference but would appear by telephone.

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Either at a telephonic conference prior to the date of the settlement conference (which will only take place if the Court requests such a telephonic conference) or at the beginning of the settlement conference, the Court will ask each counsel to identify who will appear on behalf of the party. Even if your client is located outside the Central District of California, the client will be expected to appear in person. Any other issues relevant to the settlement conference may be raised at the telephonic conference. Any relief from the requirement of a party's presence may only be granted by the Court, following a motion or ex parte application from the party seeking relief.<sup>3</sup>

3. If Board approval is required to authorize settlement, the attendance of at least one sitting and knowledgeable member of the Board (preferably the Chairman) is required.

4. Any insurance company that is contractually required to defend or to pay damages assessed within policy limits also should have a settlement representative present. Counsel of record will be responsible for timely advising any involved non-party insurance company of the requirements of this Order.

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<sup>3</sup> The provisions of Local Rule 16-15.5(b) are inapplicable to this Order. Parties may only appear by telephone with prior approval of the Court. Only the United States, its agencies or employees are entitled to rely upon Local Rule 16-15.5(b).

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2 In addition, the Court ORDERS that the following occur prior  
3 to the settlement conference (in the event these deadlines have  
4 passed, then parties are directed to expeditiously serve the offers  
5 and counteroffers described below):

6  
7 Ten (10) business days prior to the date of the conference,  
8 Plaintiff(s) must serve a detailed written demand on Defendant(s);

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10 Eight (8) business days prior to the date of the conference,  
11 Defendant(s) must serve a detailed written counter offer to  
12 Plaintiff(s).

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14 Six (6) business days prior to the date of the conference,  
15 Plaintiff(s) must serve a written Reply to the Counter Offer. The  
16 parties should either include these exchanges in their settlement  
17 statements or advise the Courtroom Deputy of these exchanges by  
18 email.

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20 5. No later than five (5) court days prior to the  
21 conference, each party shall submit a Settlement Conference  
22 Statement directly to Judge Segal via email to  
23 ss\_chambers@cacd.uscourts.gov. No courtesy copy is necessary for  
24 Judge Segal other than the electronic version served via email.  
25 The parties shall serve the Statements on all relevant parties in  
26 the action on the same date. The Statements should not be filed  
27 with the Clerk of the Court and they will not be made part of the  
28 case file. The Statements shall be double-spaced and shall not

1 **exceed ten (10) pages in length.**

2 The parties' respective Settlement Conference Statements  
3 shall include the following:

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5 A. A brief statement of the facts of the case, including  
6 the party's claims and defenses.

7 B. **An ITEMIZED STATEMENT OF THE DAMAGES claimed, and of any**  
8 **other relief sought.** This is one of the most **critical** aspects of  
9 the party's statement.

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

12 D. A history of past settlement discussions, offers and  
13 demands, **INCLUDING THE DEMANDS/OFFERS DESCRIBED IN PARAGRAPH 8.**

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15 6. **Each party shall also prepare a Confidential Addendum to**  
16 **Settlement Conference Statement, which shall be delivered directly**  
17 **to Judge Segal only (again via email only, no courtesy copy**  
18 **required), along with the Settlement Conference Statement.** The  
19 Confidential Addendum shall **not** be filed with the Court **or** served  
20 upon the other parties. The Confidential Addendum shall contain:

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

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

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