

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BEVERLY KANAWI,

No. 06-5566 CRB (JCS)

Plaintiff(s),

v.

**NOTICE OF SETTLEMENT  
CONFERENCE AND SETTLEMENT  
CONFERENCE ORDER**

BECHTEL CORPORATION

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter was referred to Magistrate Judge Joseph C. Spero for settlement purposes.

You are hereby notified that a Settlement Conference is scheduled for November 20, 2008, at 9:30 a.m., in Courtroom A, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102.

It is the responsibility of counsel to ensure that whatever discovery is needed for all sides 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.

Lead Trial Counsel shall appear at the Settlement Conference with the parties. Any party who is not a natural person shall be represented by the person(s) with **unlimited** authority to negotiate a settlement. A person who needs to call another person not present before agreeing to any settlement does not have full authority. If a party is a governmental entity, its governing body shall designate one of its members or a senior executive to appear at the Settlement Conference with authority to participate in the Settlement Conference and, if a tentative settlement agreement is

1 reached, to recommend the agreement to the governmental entity for its approval. An insured party  
2 shall appear with a representative of the carrier with full authority to negotiate up to the limits of  
3 coverage. Personal attendance of a party representative will rarely be excused by the Court, and  
4 then only upon separate written application demonstrating substantial hardship served on opposing  
5 counsel and lodged as early as the basis for the hardship is known but no later than the Settlement  
6 Conference Statement.

7 **Each party shall prepare a Settlement Conference Statement, which must be LODGED**  
8 **with the undersigned's Chambers (NOT electronically filed) no later than Noon, November 17,**  
9 **2008.** Please 3-hole punch the document at the left side.

10 The Settlement Conference Statement need not be served on opposing counsel. The parties  
11 are encouraged, however, to exchange Settlement Conference Statements. If Settlement Conference  
12 Statements are exchanged, any party may submit an additional confidential settlement letter to the  
13 Court not to exceed three (3) pages. The contents of this confidential settlement letter will not be  
14 disclosed to the other parties.

15 The Settlement Conference Statement shall not exceed ten (10) pages of text and twenty (20)  
16 pages of exhibits and shall include the following:

- 17 1. A brief statement of the facts of the case.
- 18 2. A brief statement of the claims and defenses including, but not limited to, statutory or  
19 other grounds upon which the claims are founded, and a **candid** evaluation of the parties' likelihood  
20 of prevailing on the claims and defenses. The more candid the parties are, the more productive the  
21 conference will be.
- 22 3. A list of the key facts in dispute and a brief statement of the **specific** evidence  
23 relevant to a determination of those facts.
- 24 4. A summary of the proceedings to date and any pending motions.
- 25 5. An estimate of the cost and time to be expended for further discovery, pretrial and  
26 trial.
- 27 6. The relief sought, including an itemization of damages.
- 28

1           7.       Settlement Conference Statements **may** be submitted on CD-ROM with hypertext  
2 links to exhibits. Otherwise, the portion of exhibits on which the party relies shall be highlighted.

3           It is not unusual for the conference to last three (3) or more hours. Parties are encouraged to  
4 participate and frankly discuss their case. Statements they make during the conference will not be  
5 admissible at trial in the event the case does not settle. The parties should be prepared to discuss  
6 such issues as:

- 7           1.       Their settlement objectives.
- 8           2.       Any impediments to settlement they perceive.
- 9           3.       Whether they have enough information to discuss settlement. If not, what additional  
10 information is needed?
- 11          4.       The possibility of a creative resolution of the dispute.

12          The parties shall notify Chambers immediately at (415) 522-3691 if this case settles prior to  
13 the date set for Settlement Conference. Counsel shall provide a copy of this order to each party who  
14 will participate in the conference.

15               IT IS SO ORDERED.

16  
17 Dated: November 13, 2008



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JOSEPH C. SPERO  
United States Magistrate Judge