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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LATASHA WINKFIELD,

Plaintiff(s),

v.

CHILDRENS HOSPITAL OAKLAND,

Defendant(s).

No. C-13-05993-SBA (DMR)

**NOTICE OF SETTLEMENT  
CONFERENCE AND SETTLEMENT  
CONFERENCE ORDER**  
(Rev. 3/26/13)

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter was referred to Magistrate Judge Donna M. Ryu for settlement purposes.

You are hereby notified that a settlement conference is scheduled for **January 3, 2014 at 11:00 a.m.**, in Courtroom 4, Third Floor of the U.S. District Court, 1301 Clay Street, Oakland, California 94612.

**A. Confidential Settlement Letters**

By no later than **5:00 p.m. today**, counsel **shall submit, but not file or serve** a copy of a Confidential Settlement Letter by emailing the letter to Judge Ryu at [dmrpo@cand.uscourts.gov](mailto:dmrpo@cand.uscourts.gov).

The Confidential Settlement Letter shall not exceed five (5) pages of text. The Confidential Settlement Letter **shall include** the following:

- a. A brief statement of the facts of the case.
- b. A brief statement of the **principal** claims and defenses, with a forthright evaluation of the strengths and weaknesses of each claim/defense, including citations to any key legal authorities.

- 1 c. A realistic settlement figure or terms (including any non-monetary terms) that,  
2 given all the circumstances, the party submitting the Confidential Letter  
3 would consider seriously.
- 4 d. Any foreseeable barriers to insurance coverage or approval of a proposed  
5 settlement, or special concerns that the insurer or entity might want addressed.
- 6 e. A list of the names, titles, and positions of all persons who will be attending  
7 the conference.

8 **B. Mandatory Personal Attendance.**

9 **Lead trial counsel** shall appear at the settlement conference with the **parties and with the**  
10 **person(s) having full authority** to make the final decision as to whether any settlement offer is  
11 made, accepted, or rejected (if full authority does not rest with the party). A person who needs to  
12 call another person not present before making, accepting, or rejecting any settlement offer does **not**  
13 have such full authority. If a party is a **governmental entity**, its governing body shall designate one  
14 of its members or a senior executive to appear at the settlement conference with authority to  
15 participate in the settlement conference and, if a tentative settlement agreement is reached, to  
16 recommend the agreement to the governmental entity for its approval. An **insured party** shall  
17 appear with a representative of the carrier with **full authority to negotiate up to the limits of**  
18 **coverage.**

19 Personal attendance is mandatory and will rarely be excused by the Court, and then only  
20 upon a written request that is timely under the circumstances and that demonstrates extraordinary  
21 hardship. Personal attendance may be excused only upon written authorization from the Court. If  
22 the Court permits attendance by telephone, the person who is excused from personally appearing  
23 must be available to participate by telephone throughout the entire conference.

24 **C. Duration and Content of Settlement Conference.**

25 Parties and their representatives should be prepared to devote the entire day to the conference  
26 if necessary. Parties are encouraged to participate in the settlement conference and frankly discuss  
27 their case. Statements they make during the conference will not be admissible at trial in the event  
28 the case does not settle. The parties and their representatives should be prepared to discuss such

1 issues as their settlement objectives; any impediments to settlement they perceive; whether they  
2 have enough information to discuss settlement and if not, what additional information is needed; and  
3 the possibility of a creative resolution of the dispute.

4 Any failure to comply with the requirements of this Order may subject the parties and/or  
5 counsel to sanctions.

6 IT IS SO ORDERED.

7 Dated: January 2, 2014



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DONNA M. RYU  
United States Magistrate Judge

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