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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

AI CA LLC,

Plaintiff,

v.

CREDIAUTOUSA FINANCIAL  
COMPANY LLC, *et al.*,

Defendants.

Case No.: 3:20-cv-2352-MMA-AHG

**ORDER MODIFYING MANDATORY  
SETTLEMENT CONFERENCE TO  
BE VIA VIDEOCONFERENCE AND  
ISSUING UPDATED PROCEDURES**

1 On May 27, 2021, the Court scheduled the Mandatory Settlement Conference  
2 (“MSC”) in this matter for **May 18, 2022 at 9:30 a.m.** ECF No. 10 at 4. The Order  
3 scheduling the MSC incorporated by reference the Court’s existing requirement of personal  
4 attendance of all parties, party representatives, including claims adjusters for insured  
5 defendants, and the primary attorney(s) responsible for the litigation at the conference. *Id.*;  
6 AHG.MSC.R. at ¶ 3; *see also* ECF No. 10 at 4 (noting that the MSC would occur “*in the*  
7 *chambers of* Magistrate Judge Allison H. Goddard”) (emphasis added). However, due to  
8 the current COVID-19 public emergency,<sup>1</sup> and upon due consideration, the Court hereby  
9 **MODIFIES** the in-person MSC to be via **videoconference** for all attendees. To facilitate  
10 this modification, the Court hereby **ORDERS** as follows:

11 1. The Court will use its official Zoom video conferencing account to hold the  
12 Settlement Conference. **If you are unfamiliar with Zoom:** Zoom is available on  
13 computers through a download on the Zoom website (<https://zoom.us/meetings>) or on  
14 mobile devices through the installation of a free app.<sup>2</sup> Joining a Zoom conference does not  
15 require creating a Zoom account, but it does require downloading the .exe file (if using a  
16 computer) or the app (if using a mobile device). Participants are encouraged to create an  
17 account, install Zoom and familiarize themselves with Zoom in advance of the Settlement  
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20 <sup>1</sup> On March 2, 2021, Chief Judge Dana M. Sabraw issued an Order in response to the  
21 COVID-19 public emergency (“CJO #62”) which, among other things, suspends the  
22 requirement under Civil Local Rules 16.3(a) and 16.3(b) that MSCs be conducted in  
23 person. *See* CJO #62 at 1. CJO #62 is available on the Court website at  
24 [https://www.casd.uscourts.gov/\\_assets/pdf/rules/Chief%20Judge%20Order%2062%20-%20Civil%20Case%20Proceedings%20During%20the%20Covid-19%20Public%20Emergency.pdf](https://www.casd.uscourts.gov/_assets/pdf/rules/Chief%20Judge%20Order%2062%20-%20Civil%20Case%20Proceedings%20During%20the%20Covid-19%20Public%20Emergency.pdf). The suspension of the requirements under Civil Local  
25 Rules 16.3(a) and 16.3(b) that MSCs be conducted in person is also reiterated by CJO  
26 #62-B, filed on June 11, 2021. CJO #62-B is available on the Court website at  
[https://www.casd.uscourts.gov/\\_assets/pdf/rules/Chief%20Judge%20Order%2062-B.pdf](https://www.casd.uscourts.gov/_assets/pdf/rules/Chief%20Judge%20Order%2062-B.pdf).

27 <sup>2</sup> If possible, participants are encouraged to use laptops or desktop computers for the  
28 video conference, rather than mobile devices.

1 Conference.<sup>3</sup> There is a cost-free option for creating a Zoom account.

2       2. Prior to the start of the Settlement Conference, the Court will email each  
3 participant an invitation to join a Zoom video conference. Again, if possible, participants  
4 are encouraged to use laptops or desktop computers for the video conference, as mobile  
5 devices often offer inferior performance. Participants shall join the video conference by  
6 following the ZoomGov Meeting hyperlink in the invitation. **Participants who do not**  
7 **have Zoom already installed on their device when they click on the ZoomGov Meeting**  
8 **hyperlink will be prompted to download and install Zoom before proceeding.** Zoom  
9 may then prompt participants to enter the password included in the invitation.

10       3. Each participant should plan to join the Zoom video conference **at least five**  
11 **minutes before** the start of the Settlement Conference to ensure that the conference begins  
12 promptly.

13       4. Zoom's functionalities will allow the Court to conduct the Settlement  
14 Conference as it ordinarily would conduct an in-person one. The Court will divide  
15 participants into separate, confidential sessions, which Zoom calls Breakout Rooms.<sup>4</sup> In a  
16 Breakout Room, the Court will be able to communicate with participants from a single  
17 party in confidence. Breakout Rooms will also allow parties and counsel to communicate  
18 confidentially without the Court.

19       5. No later than **May 9, 2022**, counsel for each party shall send an e-mail to the  
20 Court at [efile\\_goddard@casd.uscourts.gov](mailto:efile_goddard@casd.uscourts.gov) containing the following:

- 21       a. The **name and title of each participant**, including all parties and party  
22       representatives with full settlement authority, claims adjusters for  
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26 <sup>3</sup> For help getting started with Zoom, visit: <https://support.zoom.us/hc/en-us/categories/200101697-Getting-Started>

27  
28 <sup>4</sup> For more information on what to expect when participating in a Zoom Breakout Room, visit: <https://support.zoom.us/hc/en-us/articles/115005769646>

1 insured defendants, and the primary attorney(s) responsible for the  
2 litigation;

3 b. An **e-mail address for each participant** to receive the Zoom video  
4 conference invitation;

5 c. A **telephone number where each participant** may be reached; and

6 d. A **cell phone number for that party's preferred point of**  
7 **contact** (and the name of the individual whose cell phone it is) for the  
8 Court to use during the ENE to alert counsel via text message that the  
9 Court will soon return to that party's Breakout Room, to avoid any  
10 unexpected interruptions of confidential discussions.

11 6. All participants shall display the same level of professionalism during the  
12 Settlement Conference and be prepared to devote their full attention to the Settlement  
13 Conference as if they were attending in person, i.e., cannot be driving while speaking to  
14 the Court. Because Zoom may quickly deplete the battery of a participant's device, each  
15 participant should ensure that their device is plugged in or that a charging cable is readily  
16 available during the video conference.

17 7. Counsel are advised that although the Settlement Conference will take place  
18 on Zoom, all participants shall appear and conduct themselves as if it is proceeding in a  
19 courtroom, i.e., counsel must dress in appropriate courtroom attire.

20 8. All dates, deadlines,<sup>5</sup> procedures, and requirements set forth in the Court's  
21 Scheduling Order setting the MSC (ECF No. 10) **remain in place**, except as explicitly  
22 modified by this order.

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25 <sup>5</sup> For the parties' convenience, the Court repeats the pertinent deadlines here. The parties  
26 should note that some of these deadlines have already passed:

27 1. Plaintiff was required to serve on Defendant a **written** settlement proposal,  
28 including a specific demand amount, no later than **April 27, 2022**. The defendant was  
required to respond to the plaintiff **in writing** with a specific offer amount prior to the Meet

