

SETTLEMENT CONFERENCE STANDING ORDER

MAGISTRATE JUDGE SUSAN VAN KEULEN

Updated January 2023

SCHEDULING

To coordinate scheduling, please contact courtroom deputy Justine Fanthorpe at Justine_Fanthorpe@cand.uscourts.gov or 408.535.5375. Settlement conferences typically are set Wednesday-Friday at 9:30 a.m. and run a full day, at the Court's discretion. Initial settlement conferences are typically held by Zoom video link but any conference may be held in person at the Court's discretion."

A settlement conference may be continued only for a compelling reason. The party seeking to continue a settlement conference must first meet and confer with opposing counsel and then promptly file a request in ECF. The request must demonstrate the compelling reason for the continuance and state whether any party objects to the continuance. Any party that objects to the continuance must file an opposition in ECF within two days of the filing date of the request for the continuance.

If the case settles before the settlement conference takes place, the parties must inform courtroom deputy Justine Fanthorpe immediately.

PERSONS REQUIRED TO ATTEND SETTLEMENT CONFERENCE

All parties with full authority to settle the matter and their counsel are required to attend the settlement conference *in person*, not by telephone. Non-natural persons must be represented by a person with unlimited authority to negotiate a settlement. An insured party must also appear with a representative of the carrier with full authority to negotiate up to the limits of coverage. A person who must call another person not present at the conference before agreeing to a settlement does not have unlimited authority.

SETTLEMENT CONFERENCE STATEMENT

No later than seven days prior to the conference, the parties must send the following statements in text-searchable PDF format to Justine_Fanthorpe@cand.uscourts.gov and deliver hard copies to chambers. The statements must not be filed in ECF.

1. **A joint settlement conference statement.** The joint settlement conference statement must include:
 - (a) the identity of the attorney(s) and clients attending the settlement conference;
 - (b) a brief statement of the facts of the case;
 - (c) a brief statement of the claims and defenses raised, including statutory or other grounds upon which the claims are founded;
 - (d) a bullet-point summary of the proceedings to date, including the operative case schedule;
 - (e) a list of all pending motions;
 - (f) the relief sought; and

(g) the parties' positions on settlement exchanged as of the date of the joint statement, including a history of settlement discussions and the present demands and offers.

2. **A confidential addendum to the joint statement.** The confidential addendum is not to be served on any other party and must include:

- (a) a *candid* evaluation of the parties' likelihood of prevailing on the claims and defenses;
- (b) a brief description of the major issues in dispute and any discrete issue that, if resolved, would facilitate the resolution of the case;
- (c) the party's settlement value of the case.

PRE-SETTLEMENT CONFERENCE CALL WITH THE COURT

At the time of scheduling the settlement conference, the court will set a date and time for a pre-settlement conference call with all counsel, not less than 48 hours prior to the conference. Counsel should be prepared to discuss issues highlighted in the joint statement, issues not covered in the joint statement but relevant to settlement, and logistics of the settlement conference.

SO ORDERED.

January 18, 2023



Susan van Keulen
U.S. Magistrate Judge