

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

**SETTLEMENT CONFERENCE STANDING ORDER FOR
MAGISTRATE JUDGE THOMAS S. HIXSON**

1. Counsel shall 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.

2. Lead trial counsel must attend the settlement conference with the parties and with the persons having full authority to negotiate and settle the case.

a. Persons Attending Conference

Each party shall provide a list of names, titles, and positions of persons who will attend the conference. This section must identify by name, title or status, the following persons: (i) the person(s) with decision-making authority who, in addition to counsel, will attend the settlement conference as a representative of the party, and (ii) the person(s) connected with a party opponent (including an insurer representative) whose presence might substantially improve the prospects for settlement.

b. Corporations or Other Non-Government Entity

A party other than a natural person (such as a corporation or association) satisfies the attendance requirement if represented by a person (other than outside counsel) who has final authority to settle and who is knowledgeable about the facts of the case. If the authority to settle is vested only in a governing board, claims committee, or equivalent body and cannot be delegated, a party must comply with the requirements of Northern District of California ADR Local Rule 7-3(a) and must designate a person with authority to participate in the settlement conference and, if a tentative settlement agreement is reached, to recommend the agreement to the approving body for its approval.

c. Government Entity

A party that is a government entity satisfies the attendance requirement if represented by a person (in addition to counsel of record) who (1) has, to the greatest extent feasible, authority to settle, (2) is knowledgeable about the facts of the case, the government entity's position, and the positions and policies under which the government entity decides whether to accept proposed settlements, and (3) has the authority, if a tentative settlement agreement is reached, to recommend the agreement to the government entity for its approval. *See* N.D. Cal. ADR Local R. 7-3(b). If the action is brought by the government on behalf of one or more individuals, at least one such individual also must attend. *See id.*

d. Insured Party

An insured party must appear with a representative of the carrier with full authority to negotiate up to the limits of coverage.

e. Personal Attendance by Counsel and Parties

Personal attendance by counsel will not be excused. Personal attendance of a party representative rarely will be excused and then only on a written request made at least two weeks before the conference demonstrating that attendance would constitute an extraordinary or unjustified hardship. A copy of the written request must be served on all other parties. Any objection to the request must be submitted within 48 hours of receipt. If telephone attendance is allowed, the party must be available throughout the entire conference.

3. Each party shall prepare a Settlement Conference Statement, which must be LODGED with the undersigned's Chambers (NOT electronically filed) no later than seven (7) calendar days prior to the conference. Each party shall also submit their Settlement Conference Statement in .pdf format and email their statement to TSHsettlement@cand.uscourts.gov.

4. The Settlement Conference Statement shall be served on opposing counsel. Any party may submit an additional confidential statement to the Court. The contents of this confidential statement will not be disclosed to the other parties.

5. The Settlement Conference Statement shall include at least the following:

- a. A brief statement of the facts of the case.
- b. A brief statement of the claims and defenses including, but not limited to, statutory or other grounds upon which the claims are founded, and a candid evaluation of the parties' likelihood of prevailing on the claims and defenses; and a description of the major issues in dispute.
- c. A summary of the proceedings to date and any pending motions.
- d. The relief sought.
- e. Any discrete issue that, if resolved, would facilitate the resolution of the case.
- f. The party's position on settlement, including present demands and offers and a history of past settlement discussions.
- g. No more than ten (10) exhibits.

6. The parties shall notify Chambers immediately at (415) 522-4698 if a case settles prior to the date set for the Settlement Conference.

IT IS SO ORDERED.



THOMAS S. HIXSON
United States Magistrate Judge