

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 AURELIANO SANTIAGO, et al., ) NO. CV 15-8444-BRO(Ex)  
12 Plaintiffs, )  
13 v. ) **AMENDED**  
14 CITY OF LOS ANGELES, et al., ) SETTLEMENT CONFERENCE  
15 Defendants. ) ORDER  
16 \_\_\_\_\_ )  
17

18 **PLEASE READ THIS ORDER CAREFULLY!** The Honorable  
19 Beverly Reid O'Connell, United States District Judge, has referred  
20 this case for a settlement conference. Magistrate Judge  
21 Charles F. Eick will act as a settlement judge who will not be  
22 involved in the actual trial of the case and who will assist in an  
23 objective appraisal and evaluation of the lawsuit. The following are  
24 mandatory guidelines for the parties in preparing for the settlement  
25 conference.  
26

27 1. In addition to counsel who will try the case being present, a  
28 person with full settlement authority must likewise be present for the

1 conference. This requirement contemplates the presence of your client  
2 or, if a corporate or governmental entity, an authorized  
3 representative of your client.<sup>1/</sup> For a defendant, such representative  
4 must have final settlement authority to commit the defendant to pay,  
5 in the representative's discretion, a settlement amount recommended by  
6 the settlement judge up to the plaintiff's prayer (excluding punitive  
7 damage prayers in excess of \$100,000.00) or up to the plaintiff's last  
8 demand, whichever is lower.<sup>2/</sup> For a plaintiff, such representative  
9 must have final authority, in the representative's discretion, to  
10 authorize dismissal of the case with prejudice, or to accept a  
11 settlement amount recommended by the settlement judge down to the  
12 defendant's last offer. The purpose of this requirement is to have  
13 representatives present who can settle the case during the course of  
14 the conference without consulting a superior.

15  
16 2. If Board approval is required to authorize settlement,  
17 attendance of the entire Board is requested. The attendance of at  
18 least one sitting member of the Board (preferably the Chairman) is  
19 absolutely required.

20 \_\_\_\_\_  
21 <sup>1</sup> However, if the United States or a federal agency is a  
22 party, an Assistant U.S. Attorney may appear without a  
23 representative. See Local Rule 16-14.5(b).

24 Additionally, the Court may grant any client or client  
25 representative leave to be available by telephone rather than in  
26 person, upon a particularized showing, made in advance of the  
27 conference, that a personal appearance would involve significant  
28 hardship.

<sup>2</sup> If the settlement amount would be paid by a  
governmental entity, the representative of the defendant need not  
have such final settlement authority, but shall have as much  
settlement authority as would be practical to obtain before the  
conference.

1           3. Counsel appearing without their clients (whether or not you  
2 have been given settlement authority) will cause the conference to be  
3 cancelled and rescheduled. The noncomplying party, attorney, or both,  
4 may be assessed the costs and expenses incurred by other parties and  
5 the court as a result of such cancellation, as well as any additional  
6 sanctions deemed appropriate.

7  
8           4. Any insurance company that is a party or is contractually  
9 required to defend or to pay damages, if any, assessed within its  
10 policy limits in this case, must have a fully authorized settlement  
11 representative present at the conference. Such representative must  
12 have final settlement authority to commit the company to pay, in the  
13 representative's discretion, an amount recommended by the settlement  
14 judge within the policy limits. The purpose of this requirement is to  
15 have an insurance representative present who can settle the  
16 outstanding claim or claims during the course of the conference  
17 without consulting a superior. An insurance representative authorized  
18 to pay, in his or her discretion, up to the plaintiff's last demand  
19 will also satisfy this requirement. Counsel of record will be  
20 responsible for timely advising any involved non-party insurance  
21 company of the requirements of this Order.

22  
23           5. The settlement judge may, in his discretion, converse with  
24 the lawyers, the parties, the insurance representatives, or any one of  
25 them outside of the hearing of the other.

26 ///

27 ///

28 ///

1           6. Prior to the settlement conference, the attorneys are  
2 directed to discuss settlement with their respective clients and  
3 insurance representatives, so the parameters of settlement have been  
4 explored well in advance of the settlement conference.

5  
6           7. A settlement conference statement of each party must be  
7 submitted directly to the chambers of the settlement judge (Room 342),  
8 or, in the alternative, faxed directly to the chambers of the  
9 settlement judge (213-894-3335), no later than 5:00 p.m. on **June 15,**  
10 **2016**, setting forth the relevant positions of the parties concerning  
11 the factual issues, issues of law, damages, and the settlement  
12 negotiation history of the case, including a recitation of any  
13 specific demands and offers that may have been conveyed. Damages must  
14 be itemized fully. Copies of your settlement conference statements  
15 need not be served upon opposing counsel. The settlement conference  
16 statement may not exceed five (5) pages in length and will not be made  
17 a part of the case file.

18  
19           8. The purpose of the settlement conference is to permit an  
20 informal discussion between the attorneys, parties, non-party  
21 indemnitors or insurers, and the settlement judge, of every aspect of  
22 the lawsuit bearing on its settlement value.

23  
24           9. Neither the settlement conference statements nor  
25 communications of any kind occurring during the settlement conference  
26 can be used by any party with regard to any aspect of the litigation  
27 or trial of the case.

28 ///

10. The settlement conference is set for **Wednesday**, the 22nd day of June, 2016, at 1:30 p.m., in Courtroom 20, United States Courthouse, 312 North Spring Street, Los Angeles, California.

DATED: May 23, 2016.

/s/  
\_\_\_\_\_  
CHARLES F. EICK  
UNITED STATES MAGISTRATE JUDGE