

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:20-cv-09876-DMG-PDx Date: May 22, 2024

Title *Ana Patricia Fernandez v Los Angeles County, et al.*

Present: The Honorable: Patricia Donahue, United States Magistrate Judge

Isabel Verduzco
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

N/A

N/A

**Proceedings: (In Chambers) ORDER REGARDING SETTLEMENT
CONFERENCE**

This case has been referred to Magistrate Judge Patricia Donahue for settlement proceedings. By agreeing to have Judge Donahue conduct settlement proceedings and participating in those proceedings, the parties understand that if Judge Donahue is the assigned Magistrate Judge for pre-trial proceedings in this matter, the parties are waiving any argument of a potential conflict in having Judge Donahue serve as both a neutral for settlement purposes and the assigned Magistrate Judge for other pre-trial matters, including discovery, referred by the District Judge.

The purpose of the Settlement Conference is to permit an informal discussion between the attorneys, parties, and the settlement judge, of every aspect of the case bearing on its settlement value.

The Settlement Conference will take place on **Monday, July 15, 2024 at 9:30 a.m.** in Courtroom 580 of the Roybal Federal Building.

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In connection with the Settlement Conference, the Court also orders as follows:

1. Mandatory Participation and Attendees

Everyone whose decision is necessary for settlement must attend the Settlement Conference, even if a party, representative, or counsel is located outside the Central District of California, and be present for the entire duration of the Conference. The defendant's representative must have full and final authority to commit the defendant to pay, in the representative's discretion, a settlement amount recommended by Judge Donahue up to the plaintiff's prayer (excluding punitive damage prayers) or up to the plaintiff's last demand made prior to the Settlement Conference, whichever is lower.

2. Confidential Communications

Local Rule 16-15.8 is adopted for this settlement proceeding, as described herein. Pursuant to Local Rule 16-15.8 and Federal Rules of Evidence 408, all settlement proceedings shall be confidential, and no statement made therein shall be admissible in any proceeding in the case, unless the parties otherwise agree in writing. No part of a settlement proceeding shall be reported or otherwise recorded, without the consent of the parties, except to take the appearances of the parties and for any memorialization of a settlement that the parties seek to place on the record. Counsel are reminded, and must also notify their clients, that the Local Rules of Court prohibit non-court personnel from recording or broadcasting these proceedings. *See* L.R. 83-6 et. seq.

Judge Donahue may, in her discretion, converse with the lawyers, the parties, or any one of them outside of the hearing of the others. Judge Donahue also may, in her discretion, converse with the lawyers ex parte by telephone in advance of the Settlement Conference. The comments of Judge

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Donahue during any such separate sessions or ex parte conversations are not to be recorded or used by counsel in any way during the Settlement Conference, in any court proceedings, or in settlement negotiations with opposing counsel either before or after the Settlement Conference.

Judge Donahue will not report the substance of any settlement discussions to the assigned District Judge, other than the fact of whether a settlement was reached or not.

3. Pre-Settlement Conference Requirements, Including Exchange of Good-Faith Offers

Prior to the Settlement Conference, the attorneys are directed to discuss settlement with their respective clients, so that the parameters of possible settlement will have been explored well in advance of the Settlement Conference. At the Settlement Conference, each party shall be fully prepared to discuss all economic and non-economic factors relevant to a full and final settlement of the case. The parties must attempt in good faith to resolve the case before the Conference. Except in exceedingly rare situations, a mutual walk-away proposal or offer to waive the right to pursue fees and costs as the prevailing party will not be considered a good faith settlement offer and may result in the imposition of sanctions.

By no later than **July 2, 2024**, counsel shall exchange good-faith settlement offers. The parties must summarize all settlement efforts and detail the material terms of the exchanged proposals in their respective Settlement Conference Statements (discussed below) to the Court. If the parties successfully resolve the case before the Conference or determine that the Conference should be postponed, counsel must immediately inform the courtroom deputy clerk.

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By no later than **July 8, 2024**, each party shall submit, ex parte, a Settlement Conference Statement via email to PDChambers@cad.uscourts.gov. The Statements should **not** be filed, and the Statements will not be made part of the case file. The Statements should be in the form of a letter and may contain exhibits. These statements are confidential, and nothing in the statements shall be admissible in any proceeding in this or any other case unless the parties otherwise agree in writing. The parties may, but are not required, to exchange all or part of their Settlement Conference Statements.

The Statements shall include:

- (1) A history of settlement discussions, offers and demands, including specifically a detailed summary of the proposals exchanged by the parties pursuant to this Order.
- (2) An itemized list of the monetary damages claimed and of any other relief sought, including the evidentiary bases for the monetary damages and/or other relief sought.
- (3) Any other relevant circumstance, information or variable that counsel believe will assist the Court in conducting a productive conference.

IT IS SO ORDERED.