

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

Plaintiff,

v.

Case No.

Defendant.

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ORDER SETTING SETTLEMENT CONFERENCE

This case was referred to the undersigned pursuant to 28 U.S.C. §636(b)(1)(A) for the purpose of conducting a settlement conference.

The settlement conference will be held on \_\_\_\_\_ in **Courtroom 3 North of the United States District Courthouse, One North Palafox Street, Pensacola, Florida, 32502.** For this conference to have a reasonable chance of success, counsel and the parties must carefully review, and comply with, the remainder of this Order.

Settlement conferences are often unproductive unless the parties have exchanged demands and offers before the conference and made a serious effort to settle the case on their own. Therefore, before arriving at the settlement conference, the parties shall negotiate and make a good-faith effort to settle the case without the involvement of the Court. No later than fourteen (14) days prior to the settlement

conference, Plaintiff(s) shall serve an updated settlement proposal on Defendant(s), who shall serve an updated response no later than seven (7) days before the settlement conference. The parties shall submit (not file) to the Magistrate Judge courtesy copies of their respective proposal and response at the time of service.

Additionally, on or before \_\_\_\_\_, each party must provide a settlement statement marked “confidential” to the office of the Magistrate Judge via hand-delivery, mail, or e-mail (fnd\_cannon@fnd.uscourts.gov). The statement will not be filed with the clerk or served on or disclosed to opposing counsel, as it will not become a part of the file of this case and will be for the exclusive use of the Magistrate Judge in preparing for and conducting the conference. The parties are, of course, free to share the statement with one another if they choose to do so.

The statement must contain: (1) a brief description of the remaining claims and applicable law and defenses; (2) a concise recitation of the facts and evidence the party expects to present at trial, including evidence that supports any claim for damages; (3) a brief description of the relief that may be afforded to the prevailing party at trial (e.g., the nature and extent of damages, entitlement to attorney’s fees); (4) an estimate of attorney’s fees and costs of litigation to date and through trial; (5) an outline of settlement negotiations to date, including the most recent proposals and counter proposals; and (6) a statement regarding whether any settlement terms are believed to be “nonnegotiable” and, if so, a description of those terms. The statement

should not be lengthy, but it should contain enough information to be useful to the undersigned in analyzing the factual and legal issues in the case.

Although the purpose of the settlement conference is to facilitate settlement of this case, it will be conducted in such a manner as not to prejudice any party in the event settlement is not reached. To that end, all matters communicated to the Magistrate Judge in confidence before or during the conference will be kept confidential and will not be disclosed to any other party or to the District Judge, unless specifically authorized by the party making the communication.

The conference will end when settlement is reached or when the Magistrate Judge concludes that further negotiation is unlikely to result in settlement.

All parties are required to attend the settlement conference **in person** and bring with them any person needed for full authority<sup>1</sup> to settle this matter. **With respect to corporate, governmental, and other organizational entities, an authorized client representative with authority to negotiate and communicate a settlement must appear in-person at the settlement conference along with their counsel. This means that parties should not need or expect to contact others, who are not present at the conference, to discuss or modify settlement authority, without prior Court approval. If such a person exists who would need to be consulted, that party must be present at the settlement conference,**

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<sup>1</sup> Full authority means authority up to the last demand made unless the Court determines otherwise.

**unless the Court authorizes otherwise.** Under no circumstances will counsel of record be deemed to be the proper client representative for settlement purposes.

Client representatives for all parties must have final settlement authority without consulting someone else who is not present. The Court recognizes that for some corporate and governmental entities, and a limited number of other organizational entities with multi-layered approval procedures, additional approvals may be required to formally approve a settlement. **If that is the case as to any party, the party must explain the circumstances surrounding the need for such additional approvals in the confidential statement.** Nonetheless, parties and their counsel in these limited situations must exercise all possible good faith efforts to ensure that the representative(s) present at the settlement conference provides the maximum feasible authority and the best possible opportunity to resolve the case. No other persons are permitted to attend the settlement conference without leave of Court.

Additionally, in the confidential statement, referenced above, the parties shall identify the client representative(s) that will be attending and certify that the attending representative has full settlement authority. The Court may reschedule or cancel the conference if the representative is determined to be unqualified. Failure to produce the appropriate person(s) at the conference may result in an award of

costs and attorney fees incurred by the other parties in connection with the conference and/or other sanctions against the noncomplying party and/or counsel.

DONE AND ORDERED this \_\_ day of \_\_\_\_\_, 2021.

*s/ Hope Thai Cannon*

**HOPE THAI CANNON  
UNITED STATES MAGISTRATE JUDGE**

**NOTE:**

**If you or any party, witness, or attorney in this matter have a disability that requires special accommodation, such as a hearing impairment that requires a sign-language interpreter or a wheelchair restriction that requires ramp access, please contact the clerk's office at least one (1) week prior to the hearing (or as soon as possible) so arrangements can be made.**