

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KATIE ANN BARCELO and
JUSTIN ROBERTS,

Plaintiffs,

v.

CITY OF SAN DIEGO, 51 STRATEGIES
L.L.C. doing business as S & S TOWING,
SEAN GERMAINE METCALF, SONYA
DEFREITAS-METCALF, 5471
BAYVIEW HEIGHTS, L.P., MAAC
BAYVIEW HEIGHTS, L.L.C., CRP
VALENCIA POINTE L.P., MAAC
VALENCIA POINTE MGP L.L.C., and
DOES 1 through 10,

Defendants.

Case No.: 3:25-cv-00329-BAS-AHG

**NOTICE AND ORDER SETTING
EARLY NEUTRAL EVALUATION
CONFERENCE AND CASE
MANAGEMENT CONFERENCE
VIA VIDEOCONFERENCE**

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1 IT IS ORDERED that an Early Neutral Evaluation (“ENE”) of your case will be held
2 on **February 4, 2026**¹ at **2:00 p.m. via videoconference** before Magistrate Judge
3 Allison H. Goddard. In accordance with the Local Rules, the Court requires attendance of
4 all parties, party representatives, including claims adjusters for insured defendants, and the
5 primary attorney(s) responsible for the litigation via videoconference. CivLR 16.1(c)(1).

6 The Court issues the following **Mandatory Procedures** to be followed in
7 preparation for the ENE:

8 1. **Purpose of the Conference:** The purpose of the ENE is to permit an informal
9 discussion between the attorneys and the settlement judge of every aspect of the lawsuit in
10 an effort to achieve an early resolution of the case. All conference discussions will be
11 informal, off the record, and confidential.

12 2. **Full Settlement Authority Required:** A party or party representative with
13 **full and complete authority to enter into a binding settlement** must be present via
14 videoconference. Full authority to settle means that a person must be authorized to fully
15 explore settlement options and to agree at that time to any settlement terms acceptable to
16 the parties. *Heileman Brewing Co., Inc. v. Joseph Oat Corp.*, 871 F.2d 648, 653 (7th Cir.
17 1989). The person needs to have “unfettered discretion and authority” to change the
18 settlement position of a party. *Pitman v. Brinker Int’l, Inc.*, 216 F.R.D. 481, 485–86 (D.
19 Ariz. 2003). Limited or sum certain authority is not adequate. *Nick v. Morgan’s Foods,*
20 *Inc.*, 270 F.3d 590, 595–97 (8th Cir. 2001). **A person who needs to call another person**
21 **who is not present on the videoconference before agreeing to any settlement does not**
22 **have full authority.**

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26 ¹ Local Rule 16.1(c) requires that an ENE take place within forty-five (45) days of the filing
27 of the first answer. Unfortunately, the Court’s calendar does not allow for compliance with
28 the 45-day deadline in this case. The Court has set the ENE for the earliest date available
on its calendar.

1 3. **Confidential ENE Statements Required:** No later than **January 28, 2026**,
2 the parties shall submit confidential statements of five (5) pages or less directly to the
3 chambers of Magistrate Judge Goddard outlining the nature of the case, the claims, and the
4 defenses. **These statements shall not be filed or served on opposing counsel.** They shall
5 be lodged via email at efile_goddard@casd.uscourts.gov. The ENE statement is limited to
6 **five (5) pages or less. There is not a page limit on exhibits.** Each party's ENE statement
7 must outline:

- 8 A. the nature of the case and the claims,
9 B. position on liability or defense,
10 C. position regarding settlement of the case with a **specific**²
11 **demand/offer for settlement**,³ and
12 D. any previous settlement negotiations or mediation efforts.

13 The Court may use GenAI tools to review the information that the parties submit. Either
14 party may object to the Court's use of such tools by advising the Court's law clerk of that
15 objection when they submit the information. The Court will respect that objection without
16 any further explanation, and the Court's law clerk will only communicate to Judge Goddard
17 that there was an objection, not which party made the objection.

18 4. **Case Management Conference:** In the event the case does not settle at the
19 ENE, the Court will immediately thereafter hold a Case Management Conference ("CMC")
20 pursuant to Fed. R. Civ. P. 16(b). Appearance of the parties at the CMC is not required.
21 The Court orders the following to occur before the CMC:

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25 ² A general statement, such as that a party "will negotiate in good faith," is a not a specific
26 demand or offer.

27 ³ If a specific demand or offer cannot be made at the time the ENE statement is submitted,
28 then the reasons as to why a demand or offer cannot be made must be stated. Further, the
party must explain when they will be in a position to state a demand or offer.

1 A. The parties must meet and confer pursuant to Fed. R. Civ. P. 26(f) no
2 later than **January 7, 2026**. Although the Court is unable to set the ENE
3 within the standard 45-day timeframe after the filing of the first
4 Answer, the Court will consider discovery to be open after the parties
5 have met and conferred pursuant to Rule 26, and will take this deadline
6 into account when setting the case schedule during the CMC.

7 B. The parties must file a Joint Case Management Statement by
8 **January 23, 2026**. The Joint Case Management Statement must
9 address all points in the “Joint Case Management Statement
10 Requirements for Magistrate Judge Allison H. Goddard,” which can be
11 found on the court website at:

12 [https://www.casd.uscourts.gov/Judges/goddard/docs/Goddard%20Join](https://www.casd.uscourts.gov/Judges/goddard/docs/Goddard%20Joint%20Case%20Management%20Statement%20Rules.pdf)
13 [t%20Case%20Management%20Statement%20Rules.pdf](https://www.casd.uscourts.gov/Judges/goddard/docs/Goddard%20Joint%20Case%20Management%20Statement%20Rules.pdf).

14 C. Initial disclosures pursuant to Rule 26(a)(1)(A–D) must occur by
15 **January 21, 2026**.

16 5. **Appearances via Videoconference Required:** All named parties, party
17 representatives, including claims adjusters for insured defendants, as well as principal
18 attorney(s) responsible for the litigation must attend the ENE via videoconference. All who
19 attend the ENE must be legally and factually prepared to discuss and resolve the case.
20 Counsel appearing without their clients (whether or not counsel has been given settlement
21 authority) will be subject to immediate imposition of sanctions. To facilitate the
22 videoconference ENE, the Court hereby orders as follows:

23 A. The Court will use its official Zoom video conferencing account to hold
24 the ENE. **If you are unfamiliar with Zoom:** Zoom is available on
25 computers through a download on the Zoom website
26 (<https://zoom.us/meetings>) or on mobile devices through the
27
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1 installation of a free app.⁴ Joining a Zoom conference does not require
2 creating a Zoom account, but it does require downloading the .exe file
3 (if using a computer) or the app (if using a mobile device). Participants
4 are encouraged to create an account, install Zoom and familiarize
5 themselves with Zoom in advance of the ENE.⁵ There is a cost-free
6 option for creating a Zoom account.

7 B. Prior to the start of the ENE, the Court will email each participant an
8 invitation to join a Zoom video conference. Again, if possible,
9 participants are encouraged to use laptops or desktop computers for the
10 videoconference, as mobile devices often offer inferior performance.
11 Participants shall join the video conference by following the ZoomGov
12 Meeting hyperlink in the invitation. **Participants who do not have**
13 **Zoom already installed on their device when they click on the**
14 **ZoomGov Meeting hyperlink will be prompted to download and**
15 **install Zoom before proceeding.** Zoom may then prompt participants
16 to enter the password included in the invitation.

17 C. Each participant should plan to join the Zoom video conference **at least**
18 **five minutes before** the start of the ENE to ensure that the conference
19 begins promptly at 2:00 p.m.

20 D. Zoom's functionalities will allow the Court to conduct the ENE as it
21 ordinarily would conduct an in-person one. The Court will divide
22 participants into separate, confidential sessions, which Zoom calls
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25 ⁴ If possible, participants are encouraged to use laptops or desktop computers for the video
26 conference, rather than mobile devices.

27 ⁵ For help getting started with Zoom, visit: [https://support.zoom.us/hc/en-](https://support.zoom.us/hc/en-us/categories/200101697-Getting-Started)
28 [us/categories/200101697-Getting-Started](https://support.zoom.us/hc/en-us/categories/200101697-Getting-Started)

1 Breakout Rooms.⁶ In a Breakout Room, the Court will be able to
2 communicate with participants from a single party in confidence.
3 Breakout Rooms will also allow parties and counsel to communicate
4 confidentially without the Court.

5 E. No later than **January 28, 2026**, counsel for each party shall send an
6 e-mail to the Court at efile_goddard@casd.uscourts.gov containing the
7 following:

- 8 i. The **name and title of each participant**, including all parties
9 and party representatives with full settlement authority, claims
10 adjusters for insured defendants, and the primary attorney(s)
11 responsible for the litigation;
12 ii. An **e-mail address for each participant** to receive the Zoom
13 videoconference invitation;
14 iii. A **telephone number where each participant** may be reached;
15 and
16 iv. A **cell phone number for that party's preferred point of**
17 **contact** (and the name of the individual whose cell phone it is)
18 for the Court to use during the ENE to alert counsel via text
19 message that the Court will soon return to that party's Breakout
20 Room, to avoid any unexpected interruptions of confidential
21 discussions.

22 F. All participants shall display the same level of professionalism during
23 the ENE and be prepared to devote their full attention to the ENE as if
24 they were attending in person, i.e., cannot be driving or in a car while
25 speaking to the Court. Because Zoom may quickly deplete the battery
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27 ⁶ For more information on what to expect when participating in a Zoom Breakout Room,
28 visit: <https://support.zoom.us/hc/en-us/articles/115005769646>

1 of a participant's device, each participant should ensure that their
2 device is plugged in or that a charging cable is readily available during
3 the video conference.

4 G. Counsel are advised that although the ENE will take place on Zoom, all
5 participants shall appear and conduct themselves as if it is proceeding
6 in a courtroom, i.e., all participants must dress in appropriate courtroom
7 attire.

8 H. If the case does not settle during the ENE, the Court will hold the CMC
9 immediately following the ENE with counsel only in the main session.

10 6. **New Parties Must be Notified by Plaintiff or Plaintiff's Counsel:**

11 Plaintiff's counsel must give notice of the ENE to any Defendants who have been served
12 but who have not yet filed responsive pleadings as of the date of this Order. If any
13 Defendants have not yet been served, Plaintiff's counsel must serve them with a copy of
14 this Order along with the summons and complaint.

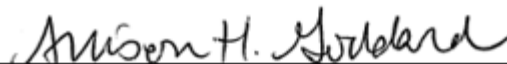
15 7. **The failure of any party to follow these mandatory procedures shall result**
16 **in the imposition of sanctions.**

17 8. Questions regarding this case or these mandatory guidelines may be directed
18 to Judge Goddard's law clerks at (619) 557-6162. Lodged statements should be emailed to
19 efile_goddard@casd.uscourts.gov.

20 9. A Notice of Right to Consent to Trial Before a United States Magistrate Judge
21 is attached for your review and consideration.

22 **IT IS SO ORDERED.**

23 Dated: November 14, 2025

24 
25 Honorable Allison H. Goddard
26 United States Magistrate Judge
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NOTICE OF RIGHT TO CONSENT TO TRIAL
BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. § 636(c), you are notified that a U.S. Magistrate Judge of this district may, upon the consent of all parties, conduct any or all proceedings, including a jury or non-jury trial, and order the entry of a final judgment. Consent forms are available in the Clerk's Office, and one is attached to this notice. Plaintiff or counsel for the plaintiff is responsible to obtain the consent of all parties, should they want to consent.

Be aware that your decision to consent or not to consent is entirely voluntary, and should be communicated solely to the Clerk of Court. Only if all parties consent will the Judge or Magistrate Judge to whom the case has been assigned be informed of your decision.

Judgments of U.S. Magistrate Judges are appealable to the U.S. Court of Appeals in accordance with this statute and the Federal Rules of Appellate Procedure.

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Case No.: 3:25-cv-00329-BAS-AHG

**NOTICE, CONSENT, AND
REFERENCE OF A CIVIL ACTION TO
A MAGISTRATE JUDGE**

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

Printed Names

Signatures of parties and attorneys

Dates

REFERENCE ORDER

IT IS ORDERED: This case is referred to United States Magistrate Allison H. Goddard, to conduct all proceedings and order entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date

United States District Judge