

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

INSTRUCTIONS FOR PREPARING FINAL AFFIDAVIT
OF SETTLEMENT EFFORTS FOR CIVIL TRIALS
BEFORE JUDGE JAMES J. BRADY

On or before the deadline set in the scheduling order (as may have been extended by the magistrate judge or the district judge), counsel for each party shall file with the Clerk of Court an affidavit stating the date and time that a conference of counsel was held to attempt to settle the case. In addition, plaintiff's counsel shall attest that he or she made a good faith settlement offer to defense counsel, and that defense counsel's counteroffer was conveyed to the plaintiff. Defense counsel shall attest that plaintiff's settlement offer was conveyed to the defendant, and that a good faith counteroffer was made.

NO DOLLAR AMOUNTS SHOULD BE STATED IN THE AFFIDAVIT.

In the event that plaintiff makes an offer of settlement to defendant which is refused, and judgment finally obtained by plaintiff is more favorable to plaintiff than the offer to defendant, then **DEFENDANT MAY BE ORDERED TO PAY THE COSTS** incurred by plaintiff after the date of refusal of plaintiff's offer unless good cause is shown. These costs may include all expert and witness fees incurred at trial, in addition to court costs of the litigation but shall not include attorney's fees.

In the event that defendant makes an offer of settlement to plaintiff or responds to an offer by plaintiff which offer or response is refused and judgment, finally obtained by plaintiff, is less favorable to plaintiff than the offer of defendant, **PLAINTIFF MAY BE ORDERED TO PAY THE COSTS** incurred by defendant after the date of refusal of defendant's offer unless good cause is shown. These costs may include all expert and witness fees incurred at trial, in addition to the court costs of the litigation but shall not include attorney's fees.

If a case to be tried to a jury settles within three (3) business days prior to the trial date, or thereafter, the costs of the jury venire **WILL** be taxed as costs and assessed as appropriate under the circumstances. Immediate notification to the clerk and to the court may avoid this expense.