

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Devin McCarthy v. Raul Jauregui, et al.

McCarthy · No. 3:21-CV-1759 · Decided January 5, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania denied a defendant’s request for copies of confidential settlement memoranda submitted in preparation for a settlement conference. The court emphasized the public interest in encouraging settlement and maintaining the confidentiality of settlement negotiations, including the policy reflected in Federal Rule of Evidence 408.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Daryl F. Bloom
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	January 5, 2026
DOCKET	3:21-CV-1759
DISPOSITION	dismissed
PROCEDURAL POSTURE	After the parties reached a settlement and the action was dismissed, Defendant Raul Jauregui requested copies of the confidential settlement memoranda submitted for a settlement conference. Defendant Daniel Boye objected, and the magistrate judge denied the request.
PRECEDENTIAL VALUE	Unknown; memorandum and order from a federal district court with no reported citation.

TOPICS

- civil procedure
- evidence
- mediation

PRACTICE AREAS

- civil procedure
- evidence
- settlement confidentiality

QUESTIONS PRESENTED

1. Whether a party should be provided copies of confidential settlement memoranda submitted to the court in preparation for a settlement conference.

HOLDINGS

1. The request for copies of the parties' confidential settlement memoranda was denied because the strong public interest in encouraging settlement and maintaining the confidentiality of settlement negotiations, combined with Jauregui's failure to provide a basis for disclosure, weighed against disclosure.

KEY QUOTATIONS

“For settlement negotiations to be fruitful, parties ‘must be able to make hypothetical concessions, offer creative quid pro quos, and generally make statements that would otherwise belie their litigation efforts.’”

“The policy behind Rule 408 is to encourage freedom of discussion with regard to compromise.”

“information exchanged during discussions held for the purpose of settlement should be kept confidential.”

FACTUAL BACKGROUND

The court directed the parties to submit confidential settlement memoranda describing their assessment of the case and settlement recommendations before a January 3, 2025 settlement conference. The parties reached a settlement at the conference, and the court ordered dismissal of the action. Jauregui requested all submissions provided to the court without explaining a basis for disclosure, while Boye objected on confidentiality grounds.

PROCEDURAL HISTORY

The action was referred to Chief United States Magistrate Judge Daryl F. Bloom for a settlement conference. The court ordered the parties to submit confidential settlement memoranda, the parties reached a settlement on January 3, 2025, and the action was dismissed. Jauregui later sought copies of the memoranda, which Boye opposed; the court denied the request.

DISPOSITION

dismissed

CASES CITED

- 2023 WL 6387680, at *4-*5 (D.N.J. Sept. 29, 2023)
- 800 F.2d 339, 344 (3d Cir. 1986)
- 2010 WL 8917474 (E.D. Pa. Oct. 7, 2010)
- 332 F.3d 976, 980 (6th Cir. 2003)
- 56 F.3d 521, 526 (3d Cir. 1995)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA DEVIN MCCARTHY, Civil No. 3:21-CV-1759 Plaintiff, (Judge Munley) v.: (Chief Magistrate Judge Bloom) RAUL JAUREGUI, et al., Defendants.: MEMORANDUM AND ORDER Pending before the court is a request to obtain copies of the parties' confidential settlement memorandum.¹ For the reasons stated below, the request will be denied.

The above-captioned action was referred to the undersigned for the purpose of conducting a settlement conference.² On December 13, 2024, the Court issued a Scheduling Order setting a conference for January 3, 2025, and directing the parties to submit confidential settlement memorandum setting forth the parties' assessment of the case and settlement recommendations via email.³ On January 3, 2025, the parties 1 Doc.

83. 2 Doc. 69. 3 Doc. 75. reached settlement and the Court ordered dismissal of the matter.⁴ Defendant Raul Jauregui now seeks to obtain the confidential settlement memorandum submitted in preparation of the conference.⁵ Defendant Daniel Boye filed an objection to the request arguing that the memoranda should not be disclosed as they are confidential.⁶ There is a longstanding public interest in encouraging settlement and maintaining the confidentiality of negotiations made in furtherance of settlement.⁷ Indeed, "[f]or settlement negotiations to be fruitful, parties 'must be able to make hypothetical concessions, offer creative quid pro quos, and generally make statements that would otherwise belie their litigation efforts.'"⁸ This public interest is also reflected in Federal Rule of Evidence 408, which prohibits the admission of settlement 4 Docs.

79-80. 5 Doc. 83. 6 Doc. 84. 7, Civ. No. 21-10092, 2023 WL 6387680, at *4 (D.N.J. Sept. 29, 2023) (citing, 800 F.2d 339, 344 (3d Cir. 1986));, Civ. No. 03-3983, 2010 WL 8917474 (E.D. Pa. Oct. 7, 2010). 8, 2023 WL 6387680, at *4 (quoting, 332 F.3d 976, 980 (6th Cir. 2003)). negotiations when made "either to prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or a contradiction."⁹ As stated by the Third Circuit Court of Appeals, the "policy behind Rule 408 is to encourage freedom of discussion with regard to compromise."¹⁰ Accordingly, "information exchanged during discussions held for the purpose of settlement should be kept confidential."¹¹ Here, Jauregui requests a copy of "all submissions that the parties provided" to the undersigned in preparation of the January 3, 2025 settlement conference without explanation.

Considering the strong public interest in the confidentiality of settlement negotiations and Jauregui's failure to proffer any basis for disclosure, we will DENY his request for copies of the parties' confidential settlement memorandum. So ordered this 5th day of January 2026. Daryl F. Bloom Chief United States Magistrate Judge 9 Fed. R. Evid. 408. 10, 56 F.3d 521, 526 (3d Cir.

1995) 11, 2023 WL 6387680, at *5.

