



Thursday, March 20, 2025
12:00 pm – 2:00 pm
District Court of Arizona (Tucson) Jury Assembly Room

FBA William D. Browning (Tucson) Chapter is bringing back its popular
Nuts & Bolts Series – starting with the Spring Civil Seminar!

From Prep to Resolution: Demystifying the Settlement Conference Process

Have you ever wondered if your settlement memorandum was helpful or useful in your settlement conference? Have you questioned what or how much information to include? Do you prepare ahead of time for the settlement conference? Do you prepare your clients? Do you think advance preparation makes a difference? Once you're in the settlement conference, what tools are effective for a successful outcome? What if your client doesn't agree or makes negotiations difficult? Please join us for this two-hour seminar, where you'll learn:

- How to write an effective settlement memo – best practices, judges' preferences, etc.
- Preparing for the settlement conference – by both you and your client – how to make the most of the conference to ensure a successful settlement!
- Hear from:
 - U.S. Magistrate Judge Michael A. Ambri,
 - U.S. Magistrate Judge Lynette C. Kimmins,
 - Ivelisse Bonilla (Chief Legal Officer, Primavera Foundation),
 - Ben Nucci (Snell & Wilmer),
 - Tim Medcoff (Farhang & Medcoff), and
 - Peter Akmajian (Schmidt, Sethi & Akmajian).

2 Hours of CLE Credit

Lunch will be provided!!!

To register please visit: [Registration Link](#) or scan:



Cost: \$20 for FBA members; \$40 for all other attendees.

[Join the FBA](#)

FBA William D. Browning (Tucson) Chapter 2025 Spring Civil Seminar Speakers

Magistrate Judge Lynnette C. Kimmins:

Lynnette Kimmins, a native of Phoenix, graduated from Arizona State University in 1988 with a Bachelor of Science Degree in Justice Studies. Lynnette was a Juvenile Probation Officer for Maricopa County from May of 1988 to December of 1989. She graduated from the University of Arizona, College of Law in 1992. She was a Deputy County Attorney at the Pima County Attorney's Office 6 ½ years where she prosecuted sex crimes, child abuse and child homicide cases, violent crimes, property crimes, narcotics, vehicular offenses, and misdemeanors. She became an Assistant United States Attorney in 1999 where she prosecuted immigration, narcotics, and violent crimes. While with the U.S. Attorney's Office, she had the opportunity to serve as Chief Assistant, Criminal Chief, and Deputy Chief in the Tucson Office, as well as Interim First Assistant for the District of Arizona. She was assigned to the Civil Division from 2009 to 2013, where she represented the United States in suits brought under the Federal Torts Claims Act, heads of agencies when suit was brought against them in their federal capacity, and employees in their individual capacities in *Bivens* lawsuits. In 2013, she returned to the Criminal Division as Senior Litigation Counsel where she was responsible for training new attorneys and was also assigned to the Financial Crimes/Public Integrity Unit which investigates and prosecutes financial crime, public corruption and civil rights violations. Lynnette has been active in the Federal Magistrate Judges Association, Federal Bar Association, the Arizona High School Mock Trial Program, and the National Charity League, as well as volunteering with her family's church and schools. Lynnette was sworn in as a U.S. Magistrate Judge on April 5, 2016. She is active with various District Court Committees including Self-Represented Litigants and Civics Education. Lynnette's husband is retired. They have three children and three grandchildren.

Magistrate Judge Michael A. Ambri:

Judge Ambri received his bachelor's degree with honors from Arizona State University in 1991. After working in newspaper journalism, he attended law school at the University of Arizona, graduating with honors in 2002. Judge Ambri was a commercial litigator with Lewis and Roca and, later, Michael A. Ambri PLC. In 2012, Judge Ambri joined the civil division of the U.S. Attorney's Office for the District of Arizona, where, for the last four years of his tenure, he served as Civil Chief. Judge Ambri was appointed in March 2023 to serve as a Magistrate Judge with the United States District Court in Tucson.

Attorney Peter Akmajian – Schmidt, Sethi & Akmajian:

Peter Akmajian is a 1984 graduate (with distinction) from the University of Arizona College of Law. He clerked for the Honorable Frank X. Gordon from 1984-85. He has been in private practice since 1985 with O'Connor Cavanagh in Phoenix and Tucson, the Udall Law Firm and now with Schmidt, Sethi & Akmajian, where he represents patients and their families in medical malpractice and other personal injury cases. Peter is a Fellow of the American College of Trial Lawyers and a member of ABOTA.

Attorney Timothy M. Medcoff – Farhang & Medcoff Attorneys:

Timothy Medcoff is an AV Rated Attorney who defends clients in the areas of product liability, insurance claims, traditional labor, and all types of employment disputes as well as commercial litigation. Timothy has comprehensive trial and litigation experience from investigating claims to defending pharmaceutical and medical device companies and tire, crane, and heavy equipment manufacturers in liability and wrongful death matters. Timothy has worked with numerous insurers and national rental car companies in significant personal injury and wrongful death litigation. Timothy has represented a broad range of employers in all facets of labor and employment law, including; defending employers in discrimination cases, wrongful discharge lawsuits, wage and hour claims, union litigation and enforcement of restrictive covenants and trade secret protections in federal and state courts and agencies. He has also represented employers in labor arbitrations, grievances, and the negotiations of collective bargaining agreements. In one particular case, Timothy's efforts led to the Union disclaiming its interest in the bargaining unit. Timothy also counsels employers on day-to-day human resource issues including personnel handbooks, policy changes, and investigations. He works with business owners in contract negotiations and partner disputes as well.

Attorney Benjamin Nucci – Snell & Wilmer:

Benjamin Nucci provides strategic counsel to employers on a range of complex labor, employment, and immigration issues. Originally from Australia, he is a passionate supporter of the Carlton Football Club (Aussie Rules football) and the Socceroos. Benjamin helps employers navigate the complexities of federal and state employment law, focusing on proactive strategies to prevent liability. His services include advising on employment policies, compliance, and best practices to mitigate litigation risks. He frequently delivers training seminars for managers and HR professionals, covering topics

such as workplace drug and alcohol testing, labor relations, cannabis-related employment issues, and compliance with paid sick time laws. Benjamin has extensive experience representing employers in employment disputes in arbitration, state and federal courts, and before various administrative agencies, including the Equal Employment Opportunity Commission, National Labor Relations Board, Department of Labor, and the Navajo Nation Labor Commission. Ben has defended employers against wage and hour class actions, agency investigations, non-competition/non-solicitation suits, and wrongful termination claims. Benjamin also supports employers in managing labor relations, including defending against unfair labor practices, guiding union elections, and negotiating collective bargaining agreements. He has earned recognition in *The Best Lawyers in America®: Ones to Watch* for his work in labor and employment litigation on behalf of management. Benjamin advises employers on business immigration strategy, focusing on employment-based immigration to the United States. He partners with clients to develop long-term visa strategies for key employees in industries such as gaming, software development, data analytics, education, and healthcare. His experience includes obtaining non-immigrant and immigrant visas for professionals, managers, and employees with specialized skills. Benjamin counsels clients on workplace immigration compliance, helping them implement best practices for Form I-9 and E-Verify processes, handle Immigration and Customs Enforcement (ICE) audits, and navigate Department of Labor investigations. He also helps employers avoid discrimination claims related to alienage and citizenship status.

Attorney Ivelisse Bonilla - Awerkamp & Bonilla, PLC:

Ivelisse Bonilla is currently the Chief Legal Officer of the Primavera Foundation. Ivelisse practiced civil rights and employment and labor law for 28 years. Since 2013, Ivelisse has been listed as one of *The Best Lawyers in America* in Employment Law-Individuals, as one of the Southwest Super Lawyers in Employment and Labor Law, and in Tucson Lifestyle and one of the best lawyers in Tucson in Employment Law. In 1997, Ivelisse joined McConnell Valdes representing employers. From 2000 to 2001, she served as Deputy General Counsel for the Puerto Rico Federal Affairs Administration in Washington, D.C. While in Washington, she pursued an L.L.M., with a concentration in employment law at Georgetown University. She then returned to McConnell Valdes to continue her practice. In 2004, she moved to Tucson and in 2008, Ivelisse and Don Awerkamp formed Awerkamp & Bonilla, PLC, later Awerkamp, Bonilla & Giles, PLC. Ivelisse is a past Chair of the Executive Committee of the State Bar of Arizona Labor and Employment Law Section and former President of the Federal Bar Association, Tucson Chapter. Ivelisse is also a Fellow of the College of Labor and Employment Lawyers. She is also a member of the Catalina Foothills School District Foundation.



Practice Tips for Settlement Conferences Before U.S. Magistrate Judges

By **HON. NANCY K. JOHNSON (RET.)**

U.S. Magistrate Judges have been utilized more frequently in recent years for alternative dispute resolution in the federal court system. This article discusses the history of the referral process, how and why cases are assigned to U.S. Magistrate Judges in the Houston and Galveston Divisions of the Southern District of Texas for settlement conferences, and what to expect if you are ordered to participate in a settlement conference.

In 1990, prompted by significant delays and costs associated with civil discovery, Congress enacted the Civil Justice Reform Act, which makes recommendations to address those problems by implementing case management principles and encouraging early judicial involvement in the discovery process.¹ Among the recommendations was the use of court referrals of appropriate cases to mediation.² In the years following, federal judges increasingly imposed mediation deadlines in their scheduling orders or, if the scheduling orders were silent on alternative dispute resolution, entertained motions compelling the parties to mediate. It was only a matter of time before U.S. Magistrate Judges were viewed as case management resources, especially in cases the U.S. District Judge believed should be mediated but where a party, typically a *pro se* litigant, could not afford to hire a mediator. Referrals to magistrate judges have expanded beyond cases with indigent parties and now encompass the full range of federal cases. However, limitations apply.

U.S. Magistrate Judges, as case management resources, are not free mediators for the asking. An attorney cannot simply call a magistrate judge's case manager to schedule a settlement conference because by statute, a U.S. District Judge must refer the case to the magistrate judge for a settlement conference.³ Magistrate judges in the Houston and Galveston Divisions are paired with two or three district judges who delegate matters to the assigned magistrate judge. Each district judge has his or her own philosophy about the use of the assigned magistrate judge in the pretrial management of a case. Some judges refer entire cases to the magistrate judge for full pretrial management, including dispositive motions; other judges only refer discovery matters or individual motions.⁴ This difference in philosophies extends to referrals of cases to magistrate

judges for settlement conferences.

For example, some district judges are reluctant to use court resources—the magistrate judge's time—to provide free mediations to represented parties. Those judges rarely, if ever, refer a case to a magistrate judge for a settlement conference, even if requested by the parties. Other district judges may use information learned at the Rule 16 pretrial scheduling and management conference to identify whether the case should be referred for a settlement conference. In cases involving limited damage claims, an early settlement conference before a magistrate judge provides the parties an opportunity to resolve the case in a cost-efficient manner. The district judge may order that the parties exchange written discovery but limit the number of depositions that the parties may take prior to the settlement conference. This strategy is particularly effective in fee-shifting cases such as employment or consumer cases, where the attorneys' fees can quickly outstrip the actual damages and prevent a settlement at a later date.

Sometimes a case may be referred for a settlement conference after the close of discovery, either before dispositive motions have been decided or after. In the former scenario, the district judge may hope that the case can be resolved without the necessity of his or her ruling on a complicated or time-consuming motion for summary judgment that may not fully dispose of the case. The district judge might refer the case for a settlement conference after all dispositive motions are resolved if the district judge believes that one or both of the parties need a reality check on the likelihood of a plaintiff's success, on a defendant's avoidance of liability, or on the amount of damages that may be awarded by the court or the jury. If a magistrate judge can resolve a case in less than eight hours, the district judge may consider that to be an efficient use of a judicial officer's time if the memorandum opinion on the pending motion was anticipated to take a week or more to complete or if a trial could be avoided.

Of course, there are only time savings if the case settles. Because magistrate judges preside over their own consent cases in addition to handling cases, motions, and disputes referred by the district judge, they will expect the parties to be respectful of their time and negotiate quickly. Litigants should not expect a magistrate judge to allocate an

entire day to a settlement conference. A magistrate judge is not likely to be tolerant of a plaintiff whose opening demand is grossly unrealistic or of a defendant who wants to increase counteroffers by \$500 a round. A private mediator expects to take several hours listening to the parties in order to understand the dispute and to establish trust that facilitates a negotiated compromise. Importantly, the private mediator is compensated for this time. A magistrate judge, on the other hand, due to pressing judicial duties, does not have the luxury of spending hours establishing trust with the parties or conducting pre-conference telephone calls to get a feel for the backstory of the dispute. The bottom line here is that a settlement conference with a magistrate judge is more like the afternoon of a typical mediation; everyone needs to get to the point and do it quickly. If the parties are not making sufficient progress toward a resolution, the judge will end the conference.

Another difference between a private mediation and a settlement conference before a magistrate judge is that settlement conferences tend to be more evaluative than private mediations. The parties should be prepared to discuss what evidence and law supports their respective positions and how damages will be calculated or defeated. It is important to underline that the magistrate judge is imparting his or her evaluation of the case and no more. Despite what some lawyers may believe, U.S. Magistrate Judges do not discuss with U.S. District Judges the cases referred for settlement conferences, and a magistrate judge therefore has no knowledge about how the district judge may rule on any particular motion. However, magistrate judges can call on their own knowledge of the case law and jury verdicts to give the parties points to consider when evaluating their respective positions vis-à-vis settlement. If a case does not settle, the magistrate judge communicates only that fact to the district judge's case manager. If the case settles, the district judge's case manager will be told when the parties will submit their closing documents or how many days the court should incorporate into its conditional order of dismissal.

At the settlement conference, the magistrate judge will assist in obtaining an agreement on material terms but will not draft a settlement agreement or provide proposed settlement documents to the parties. Remember, confidentiality applies to all settlement conferences before a U.S. Magistrate Judge, so the settlement conference may not be used as a conduit to the district judge concerning complaints by one party that the other party has been uncooperative or has otherwise misbehaved in discovery. The district judge will not be informed of offers and demands made in the settlement conference or why the case did not settle.

Preparation for a settlement conference should include

a pre-conference discussion with the client about the strengths and weaknesses of the case. The settlement conference is not a good time for your client to learn that his or her expectation of a large damage award is unlikely, that a certain witness's testimony was unfavorable, or that you have not designated a damages expert or taken a key deposition and all deadlines have expired. You may be asked to explain the factual basis for your damages calculation. If you are seeking attorney's fees, be prepared to produce your billing records. Having to admit at the conference that you have not kept time records certainly will not help your bargaining position in obtaining your fees as part of the settlement.

Parties referred for a settlement conference should remember that it is a court proceeding. The parties can explain their respective cases to a judge, which sometimes can serve as a needed catharsis that helps pave the way for a settlement. However, the court expects all parties and counsel to conduct themselves professionally and with courtesy to the opposing party and to the court. A continued failure to behave appropriately could end the mediation and impair that attorney's ability to receive future referrals for settlement conferences. If a party or an attorney fails to appear for a scheduled settlement conference, the magistrate judge may assess costs against the non-appearing party or counsel.

In sum, a referral to a magistrate judge for a settlement conference is a valuable court resource not to be taken lightly. Remember that although a settlement conference before a magistrate judge offers the same cloak of confidentiality as private mediation, you and your client are appearing before a judicial officer pursuant to a court order. Be courteous and respectful of the court's time. Be prepared to discuss the merits of your case and move quickly in your negotiations. Magistrate judges have successfully resolved both big and small cases through settlement conferences, but success depends on the parties' preparation and willingness to compromise. Make sure both you and your client are ready to discuss settlement terms and to take advantage of the evaluative nature of a settlement conference before a U.S. Magistrate Judge. 

***The Hon. Nancy K. Johnson (Ret.),** who served as a United States Magistrate Judge in the Southern District of Texas for 30 years, is presently a full-time mediator and arbitrator with JAMS in Houston.*

Endnotes

1. Janet Civil Justice Reform Act of 1990, 28 U.S.C. §§ 471–82.
2. *Id.* § 473.
3. Federal Magistrates Acts, 28 U.S.C. § 636.
4. If a case has been assigned to a magistrate judge for full pretrial management, that magistrate judge cannot conduct a settlement conference or refer the case to another magistrate judge for a settlement conference.

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Evo A. DeConcini United States Courthouse

405 West Congress Street

Tucson, Arizona 85701

Eric J. Markovich
United States Magistrate Judge

Chambers: (520) 205-4600
Fax: (520) 205-4609

Via Electronic Mail

January 3, 2025

RE: JDM Financial Group LLC v. J.D. Mellberg Financial, et al.
CV-24-00445-TUC-JGZ (JR)

Dear Counselors:

I am the assigned settlement judge for this case. The settlement conference is scheduled for **9:30 a.m. on Thursday, March 27, 2025**. The conference will be via videoconference.

Settlement Position Statements

Please submit position statements no more than fifteen (15) pages in length. Also, please limit the attached exhibits to six (6) in number. Additional exhibits may be provided during caucuses. I would like your position statements to contain, at a minimum, the following:

1. A brief statement of the facts;
2. A discussion of the claims and issues;
3. A summary of motions ruled on, pending, and anticipated;
4. Trial date, anticipated length of trial, and whether it is a jury trial; and
5. A summary of settlement discussions to date, if any.

Please submit these statements directly to me by **noon on Monday, March 24, 2025**. The statements may be sent via fax [520-205-4609] or via e-mail [markovich_chambers@azd.uscourts.gov]. If sending via e-mail, please attach files as a PDF document.

The parties may submit either a general position statement, a confidential position statement, or one of each. If you intend to exchange position statements, please provide me confidentially: 1) your best possible outcome at trial, 2) your worst possible outcome at trial, and 3) your anticipated expense of litigation between now and the end of trial.

Participants

I require lead trial counsel be present, as well as a representative of the party with settlement authority, as required by 28 U.S.C. §473(b)(5). If non-monetary relief is sought, the person with authority to authorize that relief needs to be present.

The Conference

Generally, I will begin with an opening session. Although each party will have the opportunity to speak, no one is required to do so, nor will anyone be required to respond to questions at this time.

After the opening session, the parties will adjourn to separate caucus rooms. Accordingly, it is understood the parties and attorneys have consented to me conducting *ex parte* communications with each side. My role is both a facilitator, a line of communication between the parties, and an evaluator, trying to highlight each party's issues. Parties may utilize records, evidence, or transcripts during the caucuses to explain the issues.

In fulfilling my role, I will, of necessity, be repeating many things stated in caucus. I will confirm what is or is not actually confidential before I go into the other caucus room. When I am in the other caucus room, I expect the parties to continue developing information that will be useful to me in presenting their position to the other side.

A successful settlement conference will conclude with either a written agreement or the parties' firm knowledge that although they tried their best to settle the case, it is one that must go to trial. If you resolve the dispute at the conference, we will prepare a written document outlining the essential terms of the agreement. Please bring a draft release document with you. Having a release document before you while you are negotiating will remind you of terms and conditions you need in the agreement, and will help avoid the post-conference logistical aggravation of faxing or e-mailing drafts back and forth and obtaining signatures.

At the conclusion of the conference, I will notify the assigned Judge of whether an agreement has been reached.

Conclusion

Please remember that this conference is an attempt at conciliation, and as such it is critical that no one makes personal attacks on opposing parties during this session.

I am confident you and your clients will be able to take advantage of the opportunities in this settlement conference and successfully resolve this dispute. If you have any questions or concerns, please feel free to contact my law clerk, Marcia, at (520) 205-4601.

Very Truly Yours,


Eric J. Markovich
United States Magistrate Judge

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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Lourdes Rodriguez,

10 Plaintiff,

11 v.

12 Smith's Food & Drug Centers Incorporated,
13 et al.,

14 Defendants.

No. CV-24-00158-TUC-SHR

ORDER

15 **IT IS ORDERED** that this matter is set for a **SETTLEMENT CONFERENCE**
16 on **Wednesday, January 22, 2025, at 9:30 a.m.** before the Honorable Bruce G.
17 Macdonald in Courtroom 3C at the Evo A. DeConcini U.S. Courthouse.

18 **IT IS FURTHER ORDERED:**
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- 20 • Trial counsel shall personally appear and participate. Additionally, representatives
21 for all parties with full and binding authority to dismiss and settle the case must also
22 be present unless expressly excused by the Court for good cause;
- 23 • The parties shall each prepare and e-mail a confidential settlement conference
24 memorandum, at least seven (7) days before the conference, directly to chambers
25 at: macdonald_chambers@azd.uscourts.gov. The parties shall not file their
26 memoranda with the Clerk of Court and shall not exchange their memoranda with
27 opposing counsel. The parties may include with their memoranda copies of exhibits
28 that they would like the Magistrate Judge to review; however, they need not include
copies of any documents that are already part of the record. Instead, the parties shall
direct the Magistrate Judge to the location of any such documents;

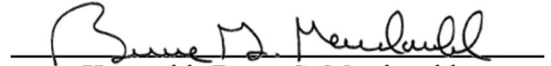
- 1 • Each memorandum shall not exceed ten (10) pages in length, exclusive of exhibits,
2 which shall not exceed six (6) exhibits,¹ and must include the following information:
 - 3 1. A brief statement of the facts;
 - 4 2. A discussion of the claims and issues;
 - 5 3. A summary of pending or anticipated motions and the status of discovery;
 - 6 4. A summary of settlement discussions, to date;
 - 7 5. Whether there are any lienholders, and the amount of each lien;
 - 8 6. The trial date, anticipated length of trial, and whether it is a jury trial; and
 - 9 7. A reasonable estimate of Plaintiff's alleged damages, as well as an estimate of
10 the fees and costs incurred to date, and the fees and costs to be expended for
11 further discovery, dispositive motions, and trial.
- 12 • During the conference, the Magistrate Judge will have ex parte communications
13 with each side. The Magistrate Judge's role will be that of a facilitator and an
14 evaluator. In fulfilling these roles, the Magistrate Judge will maintain confidentiality
15 wherever appropriate. While the Magistrate Judge is in the other caucus room, the
16 parties are expected to continue developing information that will be useful in
17 presenting their position to the other side;
- 18 • A successful conference will conclude with either a written agreement or an avowal
19 from the parties that although they tried their best to settle the case, it is one that
20 must go to trial. If the dispute is resolved at the conference, the parties may sign a
21 written document outlining the essential terms of the agreement. At the conclusion
22 of the conference, the Magistrate Judge will issue a Minute Entry indicating whether
23 an agreement has been reached;
- 24 • Federal Rule of Evidence 408 will apply to all aspects of the conference. All
25 communications and information exchanged that is not otherwise discoverable, will
26 not be admissible in evidence for any purpose. At the conclusion of the conference,
27 all documents submitted by the parties will be returned, destroyed, or otherwise
28 disposed of in the manner directed by the Magistrate Judge;
- Absent good cause, if any party, counsel, or representative fails to promptly appear
at the conference, fails to comply with the terms of this Order, is substantially
unprepared to meaningfully participate, or fails to participate in good faith, the
Magistrate Judge may impose sanctions under Federal Rules 16(f) and 37(b)(2).

¹ The parties are reminded to be judicious in their exhibit selection, as the Court will have limited opportunity to digest and address voluminous or irrelevant information.

- 1 • The conference will be held at the Evo A. DeConcini U.S. Courthouse, 405 W.
2 Congress Street, Tucson, Arizona, 85701. The Court will provide conference rooms
3 for separate caucuses. Additionally, the courthouse does not have public Wi-Fi
4 access. The closest parking is west of the building and is accessed from Congress
5 Street. Traveling westbound on Congress, drive past the courthouse and turn left
6 past the building to access the drive to the surface parking lot. Traveling eastbound
7 on Congress (from I-10), turn right onto the second side street after the underpass.
8 There is also parking available at the City-State Garage, 498 W. Congress Street,
9 and at Parking Lot A Garage at the Tucson Convention Center on South Granada
10 Avenue across the street from the courthouse.

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12 Dated this 13th day of September, 2024.

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Honorable Bruce G. Macdonald
United States Magistrate Judge

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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 JDM Financial Group LLC,

10 Plaintiff,

11 v.

12 J.D. Melberg Financial, *et al.*,

13 Defendants.

No. CV-24-00445-TUC-JGZ (JR)

ORDER

14 IT IS HEREBY ORDERED that this matter is set for a SETTLEMENT
15 CONFERENCE on **Thursday, March 27, 2025 at 9:30 a.m.** before the Honorable Eric
16 J. Markovich. **The settlement conference shall be held via videoconference.** If a party
17 is unable to participate via videoconference, that individual may appear telephonically.
18 Additional information regarding the conference, including how to join the video
19 conference, will be e-mailed to the parties.

20 IT IS FURTHER ORDERED that lead trial counsel and a representative of
21 Defendant with settlement authority attend the settlement conference. If the parties have
22 any questions or concerns prior to the conference, please contact my law clerk, Marcia
23 Delanty, at (520) 205-4600.

24 Dated this 18th day of December, 2024.

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27 Eric J. Markovich
28 United States Magistrate Judge

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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Rodney Sheppard,

10 Plaintiff,

11 v.

12 Emanuel Lopez, et al.,

13 Defendants.
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No. CV-22-01157-PHX-JJT (JZB)

ORDER

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16 This case has been referred to United States Magistrate Judge Jacqueline M. Rateau
17 for a Settlement Conference. Pursuant to Rule 16(a)(5) of the Federal Rules of Civil
18 Procedure and 28 U.S.C. §473(b)(5),
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20 **IT IS ORDERED:**

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- 22 • All parties shall appear by video teleconference before the undersigned United
23 States Magistrate Judge on **Monday, May 5, 2025 at 9:30 a.m.** The Court's IT
24 department will provide the parties with connection information prior to the
25 Conference;
 - 26 • Counsel who will be responsible for trial shall personally appear and participate.
27 Additionally, representatives of the parties with full and binding authority to dismiss
28 and settle the case must be present unless expressly excused for good cause;
 - Prior to the Conference, the parties shall negotiate and make a good faith effort to
settle the case. Plaintiff must deliver a written settlement demand to Defendant at
least fourteen (14) days before the Conference. Defendant must deliver a written

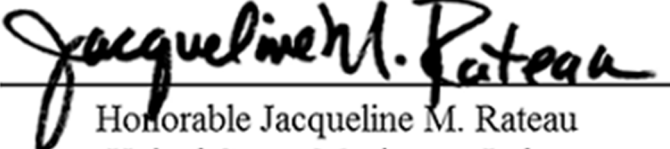
1 response to Plaintiff at least seven (7) days before the Conference;

- 2
- 3 • The parties shall each prepare and e-mail a Confidential Settlement Conference
- 4 Memorandum at least seven (7) days before the Conference directly to chambers at:
- 5 rateau_chambers@azd.uscourts.gov. The parties shall not file their Memoranda
- 6 with the Clerk of the Court and shall not exchange their Memoranda with opposing
- 7 counsel. The parties may include with their Memoranda, copies of exhibits they
- 8 would like the Magistrate Judge to review, however, the parties need not include
- 9 copies of any documents that are already part of the record. Instead, the parties shall
- 10 direct the Magistrate Judge to the location of any such documents;
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- 12 • The Memorandum shall not exceed ten (10) pages, exclusive of exhibits, which shall
- 13 not exceed five (5) in number, and shall contain the following information:
- 14
- 15 1. A brief recitation of the facts;
- 16
- 17 2. A discussion of the claims and issues, including rulings on relevant
- 18 motions, and any pending or anticipated motions;
- 19
- 20 3. Whether there are any lienholders;
- 21
- 22 4. The status of discovery, the current trial date, the anticipated length of
- 23 trial, and whether it is a jury trial;
- 24
- 25 5. A summary of settlement discussions to date;
- 26
- 27 6. An estimate of the fees and costs incurred to date, as well as an estimate
- 28 of those to be expended for further discovery, dispositive motions, and
- trial;
7. A reasonable estimate of Plaintiff's alleged damages; and
8. Any other information that the parties believe would help the Magistrate Judge facilitate the Conference.
- During the Conference, the Magistrate Judge will have ex parte communications with each side. The Magistrate Judge's role will be as a facilitator, a line of communication between the parties and if requested, as an evaluator. In fulfilling these roles, the Magistrate Judge will repeat many things stated in caucus but will confirm what is or is not confidential before going into the other caucus room. While the Magistrate Judge is in the other caucus room, the parties are expected to continue developing information that will be useful in presenting their position to the other side;
- A successful Conference will conclude with either a written agreement or an avowal from the parties that although they tried their best to settle the case, it is one that

1 must go to trial. If the dispute is resolved at the Conference, the parties will sign a
2 written document outlining the essential terms of the agreement. At the conclusion
3 of the Conference, the Magistrate Judge will notify the District Judge whether an
4 agreement has been reached;

- 5 • Rule 408 of the Federal Rules of Evidence will apply to all aspects of the
6 Conference. All communications and information exchanged that is not otherwise
7 discoverable, will not be admissible in evidence for any purpose. At the conclusion
8 of the Conference, all documents submitted by the parties will be returned,
9 destroyed or otherwise disposed of in the manner directed by the Magistrate Judge;
- 10 • In the event one or more of the parties believe that the Conference would be futile,
11 because, for example, a party or insurer has adopted a position from which they
12 refuse to deviate, the parties shall notify the Magistrate Judge in writing at least five
13 (5) business days before the Conference. If provided with a futility notice, the
14 Magistrate Judge will arrange a telephonic conference with both attorneys as soon
15 as possible. If the Magistrate Judge is not provided with a futility notice, the
16 Magistrate Judge will presume that parties believe there is a reasonable, good faith
17 opportunity for settlement; and
- 18 • Absent good cause, if any party, counsel, or representative fails to promptly appear
19 at the Conference, fails to comply with the terms of this Order, is substantially
20 unprepared to meaningfully participate, or fails to participate in good faith, the
21 Magistrate Judge may impose sanctions pursuant to Rules 16(f) and 37(b)(2) of the
22 Federal Rules of Civil Procedure.

23 Dated this 10th day of March, 2025.

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Honorable Jacqueline M. Rateau
United States Magistrate Judge

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

,	No.
Plaintiff(s),	SETTLEMENT CONFERENCE
v.	ORDER
,	
Defendant(s).	

This case has been referred to United States Magistrate Judge John Z. Boyle for a Settlement Conference.

Rule 408 of the Federal Rules of Evidence applies to all aspects of the Settlement Conference. All communications and information exchanged during the settlement process, not otherwise discoverable, will not be admissible in evidence for any purpose. All matters communicated expressly in confidence to the Court during the Settlement Conference will be kept confidential and will not be disclosed to any other party absent express consent to do so. At the conclusion of the Settlement Conference, all documents submitted by the parties will be returned, destroyed or otherwise disposed of in the manner directed by the Court.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and 28 U.S.C. §473(b)(5), **IT IS ORDERED** that all parties and, if represented, their counsel, shall physically appear before United States Magistrate John Z. Boyle, in Courtroom 302, Sandra Day O'Connor U.S. Courthouse, 401 West Washington Street, Phoenix, Arizona,

1 on _____ at _____. The Conference will continue until either the case settles
2 or the parties are no longer making meaningful progress.

3 Prior to the Settlement Conference, the parties must negotiate and make a good
4 faith effort to settle the case without the Court's involvement. Plaintiff must deliver a
5 written settlement demand to Defendant at least **fourteen days** before the Settlement
6 Conference. Defendant must deliver a written response to Plaintiff at least **seven days**
7 before the Settlement Conference. Prior to the Settlement Conference, the Court may
8 contact counsel for each party individually to schedule separate conference calls. During
9 these conference calls, the Court will discuss the status of settlement and any matters to
10 facilitate the Settlement Conference.

11 Each party must provide the Court with a Confidential Settlement Conference
12 Memorandum at least **seven days** before the Settlement Conference. The parties may
13 include with their Memoranda copies of exhibits they would like the Court to review
14 prior to the Settlement Conference. However, the parties shall not include copies of any
15 pleadings or other documents for review that were previously submitted to the Court and
16 are already part of the record. The parties shall instead direct the Court to the location of
17 any such pleadings or documents.

18 Each party's Confidential Settlement Conference Memorandum must not exceed
19 five pages exclusive of attachments and must contain the following information:

- 20 1. A brief statement of the facts of the case;
- 21 2. An analysis of the claims or defenses as appropriate for the party, including
22 citation to appropriate authorities, a forthright evaluation of the parties'
23 likelihood of prevailing on the claims and defenses, and a description of the
24 major issues in dispute;
- 25 3. A summary of the proceedings to date, including rulings on motions,
26 pending motions, and the status of discovery;
- 27 4. Whether there are distinct or dominant issues which, if resolved, would
28 likely aid in the disposition of the case;
5. An estimate of the fees and costs incurred to date, as well as an estimate of
the fees and costs to be expended for further discovery, dispositive motions,
and trial;
6. A reasonable estimate of Plaintiff's alleged damages;

7. A summary of prior settlement discussions and offers;
8. Each party's current position on settlement; and
9. Any other information that the parties believe would help the Court facilitate the Settlement Conference.

The parties may deliver their Memoranda directly to chambers (Sandra Day O'Connor United States Courthouse, 401 West Washington Street, Phoenix, Arizona, 85003, Suite 321) or submit them by electronic mail (boyle_chambers@azd.uscourts.gov). However, if a party's Memorandum with any exhibits exceeds twenty-five pages, the party must deliver a hard copy to chambers. **The parties shall not file their Confidential Settlement Conference Memoranda with the Clerk of the Court. The parties also shall not exchange their Confidential Settlement Conference Memoranda.**

Counsel who will be responsible for trial of the lawsuit for each party shall personally appear and participate in the Settlement Conference. In addition, representatives of the parties with full and binding authority to dismiss and settle the case must be physically present unless expressly excused for good cause by timely motion and an order issued prior to the Settlement Conference. If a party is an insured party, a representative of that party's insurer with full and binding authority to discuss and settle the case must physically appear at the Settlement Conference.

Counsel and any unrepresented party shall notify the Court in writing at least **five business days** before the Settlement Conference if one or more of the attorneys or unrepresented parties believe that the Settlement Conference would be futile because, for example, a party or insurer has adopted a position from which they refuse to deviate. The Court will arrange a telephonic conference with counsel and any unrepresented party as soon as possible. If the Court is not notified by either party that a Settlement Conference would be futile, the Court will presume that all counsel, their clients, and any unrepresented party believe that there is a reasonable, good faith opportunity for settlement.

1 Absent good cause, if any party, counsel, or representative fails to promptly
2 appear at the Settlement Conference, fails to comply with the terms of this Order, is
3 substantially unprepared to meaningfully participate in the Settlement Conference, or
4 fails to participate in good faith in the Settlement Conference, the Court may impose
5 sanctions pursuant to Rules 16(f) and 37(b)(2) of the Federal Rules of Civil Procedure.
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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Katie Fahad,

10 Plaintiff,

11 v.

12 Chiricahua Community Health Centers
13 Incorporated,

14 Defendant.

No. CV-24-00598-TUC-AMM (JR)

ORDER

15 This case has been referred to United States Magistrate Judge Lynnette C.
16 Kimmins for settlement.

17 Accordingly,

18 **IT IS ORDERED** that this matter is set for a Settlement Conference on **March**
19 **17, 2025, at 9:30 a.m.**, before Magistrate Judge Lynnette C. Kimmins. The conference
20 will be held by Zoom, with links to be provided by the Court.

21 Lead trial counsel and a representative of each party with settlement authority
22 shall attend the settlement conference. If non-monetary relief is sought, the person with
23 authority to authorize that relief needs to be present.

24 **IT IS FURTHER ORDERED** that on **February 19, 2025, at 1:30 p.m.**, the
25 Court will hold a telephonic conference with counsel to discuss the Court's settlement
26 procedure, ensure the appropriate participants' attendance, and determine whether any
27 special accommodations are needed. Plaintiff's and Defendant's counsel shall call in
28 using the following information:

Dial-in Number: (855) 244-8681
Access Code: 2314 657 5552

IT IS FURTHER ORDERED that, to ensure the productivity of the settlement conference, the parties must exchange written settlement proposals before the conference. On or before **February 24, 2025**, Plaintiff shall submit a written itemization of damages and settlement demand to Defendant with a brief explanation of why Plaintiff's settlement demand is appropriate. On or before **March 7, 2025**, Defendant shall submit a written offer to Plaintiff with a brief explanation of why Defendant's settlement offer is appropriate. These documents shall be limited to five pages. Each party shall submit their demand or offer to the Court with their position statement.

IT IS FURTHER ORDERED that each party must provide the Court with a Confidential Position Statement on or before **March 11, 2025**. The position statements, demand, and offer should be submitted to kimmins_chambers@azd.uscourts.gov. Your confidential position statements shall not exceed 10 pages, exclusive of exhibits, and you are allowed no more than 5 attached exhibits. You will have ample opportunity to present other records or evidence during caucuses. Do not submit documents that are already part of the Court record; instead, direct the Court to the document's location on the docket. Your position statements shall contain:

1. A brief statement of the facts;
2. An analysis of the claims or defenses, including a forthright evaluation of the parties' likelihood of prevailing on the claims or defenses, and a description of the major issues in dispute;
3. A brief summary of motions (pending and anticipated);
4. A summary of settlement discussions;
5. The date counsel reasonably anticipates the matter will be tried;
6. Your best possible outcome at trial and your worst possible outcome at trial; and
7. Your anticipated expense of litigation between now and the end of trial.

Advance preparation will increase the potential for a satisfactory resolution for the parties. Therefore, prior to the conference, each party should evaluate the following:

- The goals of the litigation and the issues (in and outside of this lawsuit) to be addressed at the settlement conference;
- The client's understanding of the opposing side's goals;
- Counsel's realistic assessment of the strengths and weaknesses of your case;
- Counsel's realistic assessment of the opposing side's case and the basis for the opposition's position;
- The factual and legal points where both parties have agreement;
- The impediments to settlement. Financial? Emotional? Legal?;
- Any possibilities for a creative resolution of the dispute;
- Whether settlement or further litigation is more suited to accomplish your client's goals; and
- The future litigation costs (fees and expenses) should a settlement not be reached.

The settlement conference will begin with all participants in the same room. The Court will open with a brief statement describing its procedures. Thereafter, each side will be given an opportunity to make a brief opening statement. An opening statement should be frank and open, but the Court expects each also will be courteous and respectful. Remember, this conference is intended to be conciliatory and, as such, it is critical that no one makes personal attacks on the opposing parties during this session. Although each party will have the opportunity to speak, no party is required to do so, nor will anyone be required to respond to questions.

After the opening session, typically, the parties will adjourn to separate caucus rooms. The Court encourages all parties to keep an open mind in order to reassess their previous positions and to discover creative means for resolving the dispute. The Court will not impose its views on either party. The terms of a settlement will be made only by the parties and their attorneys.

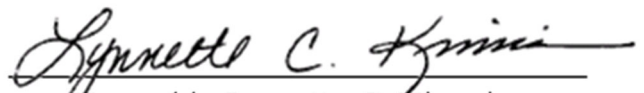
Counsel and any unrepresented party shall notify the Court in writing at least **five business days** before the Settlement Conference if one or more of the attorneys or unrepresented parties believe that the Settlement Conference would be futile because, for example, a party or insurer has adopted a position from which they refuse to deviate. The Court will arrange separate or joint telephonic conference(s) with counsel and any

1 unrepresented party as soon as possible. If the Court is not notified by either party that a
2 Settlement Conference would be futile, the Court will presume that all counsel, their
3 clients, and any unrepresented party believe that there is a reasonable, good faith
4 opportunity for settlement.

5 Counsel should consider bringing a sample or proposed settlement agreement and
6 release. Having such a document prepared before the conference will ensure that all the
7 necessary terms and conditions will be addressed before adjournment. At the conclusion
8 of the conference, the presiding judge will only be advised whether an agreement has
9 been reached.

10 I am confident you and your clients will be able to take advantage of the
11 opportunity afforded by this settlement conference and look forward to assisting you with
12 a successful resolution of the case. If you need to alter any dates or times set in this letter,
13 or have any questions or concerns prior to the conference, please contact my law clerk,
14 Heather McIntyre.

15 Dated this 7th day of February, 2025.

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19 Honorable Lynnette C. Kimmins
20 United States Magistrate Judge
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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Ryan Baker,

10 Plaintiff,

11 v.

12 Ryan Thornell,

13 Defendant.
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No. CV-18-00064-TUC-JGZ

SEALED ORDER

15 **IT IS ORDERED** that this matter is set for a **SETTLEMENT CONFERENCE**
16 on **April 15, 2025, at 9:30 a.m.** before the Honorable Michael A. Ambri. The settlement
17 conference will be held via videoconference. If a party is unable to participate via
18 videoconference, that individual may appear telephonically. Information regarding how to
19 join the videoconference, will be e-mailed to counsel.

20 **IT IS FURTHER ORDERED:**
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- 22
- 23 • Trial counsel shall personally appear and participate. Additionally, representatives
24 for all parties with full and binding authority to dismiss and settle the case must also
25 be present unless expressly excused by the Court for good cause;
 - 26 • The parties shall each prepare and e-mail a confidential settlement conference
27 memorandum, at least seven (7) days before the conference, directly to chambers
28 at: ambri_chambers@azd.uscourts.gov. The parties shall not file their memoranda
with the Clerk of Court. The parties may include with their memoranda copies of
exhibits that they would like the Magistrate Judge to review; however, they need
not include copies of any documents that are already part of the record. Instead, the
parties shall direct the Magistrate Judge to the location of any such documents;

- 1 • Each memorandum shall be no more than fifteen (15) pages in length, exclusive of
2 exhibits, which shall not exceed six (6) exhibits, and must include, at a minimum,
3 the following information:
 - 4 1. A brief statement of the relevant facts;
 - 5 2. The relief sought by both sides and computation of damages;
 - 6 3. Identification and analysis of the claims, defenses and issues, including both
7 liability and relief sought;
 - 8 4. Whether there are any lienholders, and the amount of each lien;
 - 9 5. A summary of pending or anticipated motions pending or anticipated motions
10 and identification of the issue(s) addressed or to be addressed in the motions;
 - 11 6. A summary of settlement discussions to date, including any specific offers;
 - 12 7. The trial date, anticipated length of trial, and whether it is a jury trial; and
 - 13 8. Candid appraisal of the strengths and weaknesses of your case, your best
14 possible outcome, your worst possible outcome, fees and costs incurred to date,
15 and anticipated litigation expense between now and resolution through trial.
- 16 • The parties may, and are encouraged to, exchange general position statements.
- 17 • During the conference, the Magistrate Judge will have *ex parte* communications
18 with each side. The Magistrate Judge's role will be that of a facilitator and an
19 evaluator. If the parties wish that certain information be kept confidential, the parties
20 will notify the Magistrate Judge. While the Magistrate Judge is in the other caucus
21 room, the parties are expected to continue developing information that will be useful
22 in presenting their position to the other side;
- 23 • A successful conference will conclude with either a written agreement or an avowal
24 from the parties that although they tried their best to settle the case, it is one that
25 must go to trial. If the dispute is resolved at the conference, the parties may sign a
26 written document outlining the essential terms of the agreement. At the conclusion
27 of the conference, the Magistrate Judge will notify the District Judge whether an
28 agreement has been reached;
- Federal Rule of Evidence 408 will apply to all aspects of the conference. All
communications and information exchanged that are not otherwise discoverable
will not be admissible in evidence for any purpose. At the conclusion of the
conference, all documents submitted by the parties will be returned, destroyed, or
otherwise disposed of in the manner directed by the Magistrate Judge;

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1 Absent good cause, if any party, counsel, or representative fails to promptly appear at the
2 conference, fails to comply with the terms of this Order, is substantially unprepared to
3 meaningfully participate, or fails to participate in good faith, the Magistrate Judge may
4 impose sanctions pursuant to Federal Rules of Civil Procedure 16(f) and 37(b)(2).

5 Dated this 10th day of February, 2025.

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A handwritten signature in black ink, appearing to read "Michael A. Ambri", written over a solid horizontal line.

Honorable Michael A. Ambri
United States Magistrate Judge

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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Rebekah Massie,

10 Plaintiff,

11 v.

12 City of Surprise, et al.,

13 Defendants.
14

No. CV-24-02276-PHX-ROS (DMF)

ORDER

15 **IT IS ORDERED** that a settlement conference is set for **April 8, 2025, at 9:30 a.m.**
16 The parties must meet at the scheduled time in Courtroom 5E of the Evo A. DeConcini
17 United States Courthouse in Tucson, Arizona.

18 **IT IS FURTHER ORDERED:**

19 1. Counsel who will be responsible for trial shall appear and participate.
20 Additionally, representatives of the parties with full and binding authority to dismiss and
21 settle the case must be present unless expressly excused for good cause.

22 2. Prior to the conference, the parties shall negotiate and make a good faith
23 effort to settle the case. Plaintiff must deliver a written settlement demand to Defendants
24 on or before March 24, 2025. Defendants must deliver a written response to Plaintiff on or
25 before March 31, 2025.

26 3. The parties shall each prepare a confidential settlement position statement.
27 The parties shall not file their position statements with the Clerk of Court and shall not
28 exchange their position statements with opposing counsel. The parties may include with

1 their position statements copies of exhibits they would like the undersigned to review.
2 However, the parties need not include copies of any documents that are already part of the
3 record. Instead, the parties shall direct the undersigned to the location of any such
4 documents. On or before **April 3, 2025**, the parties must email their position statement to
5 chambers <Aguilera_Chambers@azd.uscourts.gov>.

6 4. The position statements shall not exceed 20 pages, exclusive of exhibits,
7 which shall not exceed five in number, and shall contain the following information: a brief
8 recitation of the facts; a discussion of the claims and issues, including rulings on relevant
9 motions and a description of any pending or anticipated motions; whether there are any
10 lienholders; the status of discovery, the current trial date, the anticipated length of trial, and
11 whether it is a jury trial; a summary of settlement discussions to date; an estimate of the
12 fees and costs incurred to date, as well as an estimate of those to be expended for further
13 discovery, dispositive motions, and trial; a reasonable estimate of Plaintiff's alleged
14 damages; and any other information that the parties believe would help the undersigned
15 facilitate the conference.

16 5. During the conference, the undersigned will have ex parte communications
17 with each side. The undersigned's role will be as a facilitator, a line of communication
18 between the parties, and if requested, an evaluator. In fulfilling these roles, the undersigned
19 will repeat many things stated in caucus but will confirm what is or is not confidential
20 before going into the other caucus room. While the undersigned is in the other caucus room,
21 the parties are expected to continue developing information that will be useful in presenting
22 their position to the other side.

23 6. A successful conference will conclude with either an agreement or an avowal
24 from the parties that although they tried their best to settle the case, it is one that must go
25 to trial. At the conclusion of the conference, the undersigned will notify the presiding
26 district judge whether an agreement has been reached.

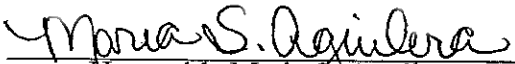
27 7. Federal Rule of Evidence 408 will apply to all aspects of the conference. All
28 communications and information exchanged that is not otherwise discoverable will not be

1 admissible in evidence for any purpose. At the conclusion of the conference, all documents
2 submitted by the parties will be returned, destroyed, or otherwise disposed of in the manner
3 directed by the undersigned.

4 8. In the event one or more of the parties believe that the conference would be
5 futile, because, for example, a party or insurer has adopted a position from which they
6 refuse to deviate, the parties shall notify the undersigned in writing at least five business
7 days before the conference. If provided with a futility notice, the undersigned may arrange
8 a telephonic conference with the parties. If the undersigned is not provided with a futility
9 notice, the undersigned will presume that the parties believe there is a reasonable, good
10 faith opportunity for settlement.

11 9. Absent good cause, if any party, counsel, or representative fails to promptly
12 appear at the conference, fails to comply with the terms of this Order, is substantially
13 unprepared to meaningfully participate, or fails to participate in good faith, the undersigned
14 may impose sanctions pursuant to Federal Rule of Civil Procedure 16(f).

15 Dated this 12th day of March, 2025.

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17 Honorable Maria S. Aguilera
18 United States Magistrate Judge
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

,		No.
Plaintiff(s),		
v.		SETTLEMENT CONFERENCE ORDER
,		
Defendant(s).		

This case has been referred to United States Magistrate Judge Michael T. Morrissey for a Settlement Conference.

Rule 408 of the Federal Rules of Evidence applies to all aspects of the Settlement Conference. All communications and information exchanged during the settlement process, not otherwise discoverable, will not be admissible in evidence for any purpose. All matters communicated expressly in confidence to the Court during the Settlement Conference will be kept confidential and will not be disclosed to any other party absent express consent to do so. At the conclusion of the Settlement Conference, all documents submitted by the parties will be returned, destroyed or otherwise disposed of in the manner directed by the Court.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and 28 U.S.C. §473(b)(5), **IT IS ORDERED** that all parties and, if represented, their counsel, shall physically appear before United States Magistrate Michael T. Morrissey, in Courtroom _____, Sandra Day O'Connor U.S. Courthouse, 401 West Washington Street, Phoenix,

1 Arizona, on _____ at _____. The Conference will continue until either the case
2 settles or the parties are no longer making meaningful progress.

3 Prior to the Settlement Conference, the parties must negotiate and make a good faith
4 effort to settle the case without the Court's involvement. Plaintiff must deliver a written
5 settlement demand to Defendant at least **fourteen days** before the Settlement Conference.
6 Defendant must deliver a written response to Plaintiff at least **seven days** before the
7 Settlement Conference. Prior to the Settlement Conference, the Court may contact counsel
8 for each party individually to schedule separate conference calls. During these conference
9 calls, the Court will discuss the status of settlement and any matters to facilitate the
10 Settlement Conference.

11 Each party must provide the Court with a Confidential Settlement Conference
12 Memorandum at least **seven days** before the Settlement Conference. The parties may
13 include with their Memoranda copies of exhibits they would like the Court to review prior
14 to the Settlement Conference. However, the parties shall not include copies of any
15 pleadings or other documents for review that were previously submitted to the Court and
16 are already part of the record. The parties shall instead direct the Court to the location of
17 any such pleadings or documents.

18 Each party's Confidential Settlement Conference Memorandum must not exceed
19 five pages exclusive of attachments and must contain the following information:

- 20 1. A brief statement of the facts of the case;
- 21 2. An analysis of the claims or defenses as appropriate for the party, including
22 citation to appropriate authorities, a forthright evaluation of the parties'
23 likelihood of prevailing on the claims and defenses, and a description of the
24 major issues in dispute;
- 25 3. A summary of the proceedings to date, including rulings on motions, pending
26 motions, and the status of discovery;
- 27 4. Whether there are distinct or dominant issues which, if resolved, would likely
28 aid in the disposition of the case;
5. An estimate of the fees and costs incurred to date, as well as an estimate of
the fees and costs to be expended for further discovery, dispositive motions,
and trial;
6. A reasonable estimate of Plaintiff's alleged damages;

7. A summary of prior settlement discussions and offers;
8. Each party's current position on settlement; and
9. Any other information that the parties believe would help the Court facilitate the Settlement Conference.

The parties may deliver their Memoranda directly to chambers (Sandra Day O'Connor United States Courthouse, 401 West Washington Street, Phoenix, Arizona, 85003, Suite 321) or submit them by electronic mail (morrissey_chambers@azd.uscourts.gov). However, if a party's Memorandum with any exhibits exceeds twenty-five pages, the party must deliver a hard copy to chambers. **The parties shall not file their Confidential Settlement Conference Memoranda with the Clerk of the Court. The parties also shall not exchange their Confidential Settlement Conference Memoranda.**

Counsel who will be responsible for trial of the lawsuit for each party shall personally appear and participate in the Settlement Conference. In addition, representatives of the parties with full and binding authority to dismiss and settle the case must be physically present unless expressly excused for good cause by timely motion and an order issued prior to the Settlement Conference. If a party is an insured party, a representative of that party's insurer with full and binding authority to discuss and settle the case must physically appear at the Settlement Conference.

Counsel and any unrepresented party shall notify the Court in writing at least **five business days** before the Settlement Conference if one or more of the attorneys or unrepresented parties believe that the Settlement Conference would be futile because, for example, a party or insurer has adopted a position from which they refuse to deviate. The Court will arrange a telephonic conference with counsel and any unrepresented party as soon as possible. If the Court is not notified by either party that a Settlement Conference would be futile, the Court will presume that all counsel, their clients, and any unrepresented party believe that there is a reasonable, good faith opportunity for settlement.

Absent good cause, if any party, counsel, or representative fails to promptly appear

1 at the Settlement Conference, fails to comply with the terms of this Order, is substantially
2 unprepared to meaningfully participate in the Settlement Conference, or fails to participate
3 in good faith in the Settlement Conference, the Court may impose sanctions pursuant to
4 Rules 16(f) and 37(b)(2) of the Federal Rules of Civil Procedure.

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CONFIDENTIAL SETTLEMENT STATEMENT

IN RE: CV-

THIS DOCUMENT IS CONFIDENTIAL AND SHOULD BE SENT DIRECTLY TO THE SETTLEMENT CONFERENCE JUDGE, HON. EILEEN S. WILLETT, UNITED STATES DISTRICT COURT, 401 WEST WASHINGTON STREET, SUITE 321, SPC 13, PHOENIX, AZ 85003. THIS DOCUMENT SHALL NOT BE SERVED ON THE OPPOSING PARTY NOR FILED WITH THE CLERK OF THE COURT. THIS DOCUMENT WILL BE DESTROYED AT THE CONCLUSION OF THE SETTLEMENT CONFERENCE PROCEEDINGS. NO REFERENCE TO THIS DOCUMENT OR ITS CONTENTS SHALL BE MADE IN ANY MOTIONS, BRIEFS OR OTHER DOCUMENTS FILED IN THIS CASE. THIS DOCUMENT SHALL BE INADMISSABLE IN EVIDENCE IN ANY JUDICIAL PROCEEDING.

PARTY SUBMITTING STATEMENT: _____

NAME OF ATTORNEY SUBMITTING STATEMENT: _____
(OR PARTY IF UNREPRESENTED BY COUNSEL)

ADDRESS: _____

PHONE: _____

FAX: _____

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FACTS

Give a brief statement of the undisputed facts. Give a brief statement of the disputed facts.

ISSUES

List all issues to be negotiated:

HISTORY

Give a chronology of significant events involving any prior settlement discussions and mediations attended, including each offer or demand made.

CASE ANALYSIS: Yours

Describe from your perspective the strengths and weaknesses of your case:

CASE ANALYSIS: Theirs

Describe from their perspective the strengths and weaknesses of their case:

CRITERIA:

List the criteria you will use to decide if a proposal is acceptable:

List the criteria you believe they will use to decide if a proposal is acceptable:

OPTIONS:

Generate a list of possible options for each issue to be negotiated.

ISSUES	OPTIONS

ANY OTHER INFORMATION THAT YOU FEEL WOULD HELP THE
SETTLEMENT CONFERENCE JUDGE:

DATED this ____ day of _____, 2014.

Signature of Counsel or Party

**Please use the format provided to answer the questions posed. Please be
courteous and reasonable in the length of your responses.**