

United States Court of Appeals for the Seventh Circuit

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NOTICE OF RULE 33 CONFERENCE

June 7, 2011

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RE: MARTIN BAYLOR v. GARY PUBLIC LIBRARY, et al. - 11-2184

Dear Counsel:

Pursuant to Rule 33 of the Federal Rules of Appellate Procedure and Circuit Rule 33, an appellate settlement conference has been scheduled in this case. **The conference will be conducted by telephone on Thursday, June 30, 2011, at 9:30 a.m. Central Time. The call will be initiated by this office.**

Each party must be represented at the conference by the lawyer or lawyers on whose judgment the party will primarily rely in making settlement decisions. **Clients as well as counsel are required to attend this conference.** (In the case of a corporation, association, or public body, "client" means an officer or employee having the fullest possible settlement discretion.) If a party is, or contends it is, insured for any of the claims at issue, an authorized representative of the insurer must also attend. Since Rule 33 conferences often exceed two hours in length, participants are to schedule no other activities for the remainder of the morning.

The conference is expected to take place at the scheduled date and time. It will not be

rescheduled unless an indispensable participant has an immovable preexisting commitment of such importance that his or her attendance is impossible. You must notify the Settlement Conference Office of such a conflict immediately. The conference will not be rescheduled on short-notice.

At the conference, be prepared to discuss the case in depth – your client’s goals and interests, the pivotal legal issues, the evidence of record, and the damages or other relief being sought. In advance of the conference, you are expected to provide your client with a copy of this notice and the accompanying information sheet, familiarize yourself and your client with conference procedures, help your client realistically assess his or her interests and the prospects of the case on appeal, and obtain as much settlement authority as feasible.

To encourage full and frank discussion, all communications during this conference, and all further communications, oral and written, during the course of Rule 33 proceedings, are strictly confidential. The content of Rule 33 communications is not to be disclosed to anyone other than the litigants and their counsel. Nothing said by the participants, including the conference attorney, will be placed in the record or disclosed by this office to the Court.

To enable counsel to devote their full attention to discussions of settlement, the briefing schedule will be extended. An order setting forth the new briefing schedule will follow under separate cover. The scheduling of a Rule 33 conference does not relieve the parties of their obligation to comply in a timely manner with all other court filing requirements. Until Rule 33 proceedings are concluded, counsel are directed to send the Settlement Conference Office copies of all papers they file with this Court.

We look forward to working with you and your clients.

The Settlement Conference Office

Stephanie Jackson,
Legal Assistant