

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

JOE ADAMS

PLAINTIFF

Vs.

CASE NO. 3:08cv00025 BSM

ARKANSAS DEPARTMENT OF HUMAN SERVICES

DEFENDANT

ORDER

This case is set for a settlement conference **Wednesday, April 15, 2009 at 9:30 a.m.**, in Room 1B, Richard Sheppard Arnold United States Courthouse, 500 West Capitol, Little Rock, Arkansas, before Magistrate Judge Jerry W. Cavaneau.

THE PARTIES OR REPRESENTATIVES WITH FULL SETTLEMENT AUTHORITY (OTHER THAN COUNSEL) ARE DIRECTED TO BE PRESENT FOR THE CONFERENCE. My Courtroom Deputy has called counsel to make sure the above date is acceptable to all parties. Therefore, we trust no party or representative has a conflict with the setting and non-appearance by a party or representative may result in sanctions. It is impossible for a party or representative who is not present to fully appreciate the process and the reasons that may justify a change in one's perspective towards settlement.

Under General Order No. 54, Chris Gomlicker, Joe Adams, Carmen Mosley-Sims and Carolyn Singleton are authorized to bring electronic devices, including cell phones, laptop computers and personal digital assistant devices, etc., to the courthouse for this proceeding. Each authorized party is required to be familiar with the restrictions contained in General Order No. 54, which can be accessed on the Court's website. Each will be required to present a copy of this order upon entry

into the building to verify this authorization.

For this settlement conference to be as productive as possible, I am requesting each of you to provide the Court with a confidential letter (not to be exchanged with opposing counsel or filed with the Clerk's office). The Court will not disclose anything contained in this confidential letter to opposing counsel before, during, or after the settlement conference, unless expressly authorized to do so.

Each party's confidential letter should candidly discuss the following issues:

- (1) The current status of settlement negotiations, including the most recent settlement demand and settlement offer that has been exchanged between counsel.
- (2) Each side's current realistic assessment of the actual range within which this case should be settled, including a breakdown of the dollar settlement value that should be assigned to each element of Plaintiff's damages.
- (3) Each side should identify the major obstacles to reaching settlement; discuss how each of these obstacles impacts settlement; and, set forth its best ideas on how each of these obstacles can be overcome.
- (4) Defense counsel should identify and explain all legal issues that may bar Plaintiff from recovering on his claim.
- (5) Plaintiff's counsel should identify and explain why Defendant's primary defenses to Plaintiff's claim will fail.
- (6) Because the pleadings do not provide much information as to the facts, it would be helpful if counsel can provide me with a more detailed statement of the events leading up to Plaintiff's termination. Copies of relevant documents, relevant excerpts from depositions that may have been taken, etc., may also be helpful.
- (7) Plaintiff should provide an itemized statement of pecuniary damages claimed, such as back pay, front pay, loss of benefits, etc.
- (8) Plaintiff should provide the amount of attorney's fees and expenses incurred

to date which Plaintiff would claim in the event of a favorable outcome.

In order for me to prepare for the April 15, 2009, settlement conference, please send your confidential letter to me, via facsimile (501.604.5207) or by mail, no later than **Friday, April 10, 2009.**

The Court will use a mediation format with an opening joint session followed by private caucusing by the Court with each side. No evidence of settlement discussion will be admissible at trial or disclosed to the trial judge or his staff.

IT IS SO ORDERED this 25th day of March 2009.


UNITED STATES MAGISTRATE JUDGE