

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

DIANNA L. HELTON

PLAINTIFF

Vs.

CASE NO. 3:08cv00054 JMM

SOUTHLAND RACING CORPORATION

DEFENDANT

ORDER

This case is set for a settlement conference **Friday, February 13, 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, counsel are authorized to bring electronic devices to the courthouse for this proceeding. They will be required to present a copy of this scheduling 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 me with a confidential letter (not to be exchanged with opposing counsel or filed with the Clerk's office). I 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) Plaintiff's letter must include an itemized statement of pecuniary damages she will seek at trial, including back pay, front pay, and lost wages. Plaintiff's counsel should also provide a statement of attorney's fees and expenses to date, along with an estimate of the amount of fees and expenses counsel would claim should this action go to trial and result in judgment for Plaintiff.
- (5) The parties are free to submit any other materials they feel would assist me in preparation. However, you should not submit any material already in the record (such as the supporting documents filed in connection with the pending summary judgment motion).

Send your confidential letter to me, via facsimile (501.604.5207) or by mail, so that I will receive it no later than 12 noon, on **Wednesday, February 11, 2009**. If the letter is submitted by FAX, no mailed follow-up is necessary.

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 4th day of February 2009.


UNITED STATES MAGISTRATE JUDGE