

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

EXELON GENERATION COMPANY, LLC

PLAINTIFF

Vs.

CASE NO. 3:15cv00082 DPM

CITY OF OSCEOLA, ARKANSAS

DEFENDANT

ORDER

This case is set for a settlement conference on **Friday, September 25, 2015**, 9:30 a.m., in the chambers and library for Room 324, Federal Office Building, 615 S. Main, Jonesboro, 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. Counsel have confirmed 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.

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.

- (2) Each side's current realistic assessment of the actual range within which this case should be settled.
- (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) I will have read the pleadings and materials of record prior to the conference. The parties are free to submit additional materials or statements clarifying the issues, or which they feel will help me prepare for the conference.

Please send your confidential letter and any other materials to me, via e-mail (jwcchambers@ared.uscourts.gov), facsimile (501.604.5207), regular mail, or hand delivery, so that I will receive them no later than Friday, September 18, 2015. Delivery by more than one means is **not** necessary.

I will use a mediation format with an opening joint session followed by private caucusing 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 20th day of August, 2015.


UNITED STATES MAGISTRATE JUDGE