

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

JOHN WARD, JR.

PLAINTIFF

v.

Case No. 08-4022

CISCO SYSTEMS, INC.

DEFENDANT

**ORDER SETTING SETTLEMENT CONFERENCE**

This case has been referred to the undersigned for a settlement conference. All parties and their lead counsel are hereby **ORDERED TO APPEAR** before the undersigned at the U. S. Federal Building, 35 E. Mountain, Fayetteville, Arkansas, in Room 213 at **9:00 A.M. on Thursday, January 7, 2010**. An insured party shall appear by a representative of the insurer with the complete authority to agree to a settlement up to the policy limits. An uninsured corporate party shall appear by a representative authorized to agree to a settlement.

Each party shall, before arriving at the settlement conference, ascertain in good faith the best settlement proposal that such party can make and be prepared, if asked by the undersigned, to communicate that settlement proposal to the undersigned in confidence. If no settlement discussions have taken place, the court encourages an exchange of demands and offers prior to the settlement conference.

Each party shall provide the undersigned at **ELSsettle@arwd.uscourts.gov**, in confidence, a concise settlement statement **no later than one week prior to the scheduled conference**. The statement shall contain a brief statement of the claims and defenses, a brief statement of the evidence which the part expects to produce at trial, an itemized statement of damages claimed or relief sought, and a description of settlement discussions to date.

The purpose of the settlement conference is to precipitate settlement of this case, if that is appropriate. It will be conducted in such a manner as not to prejudice any party in the event settlement is not reached. To that end, all matters communicated to the undersigned in confidence will be kept confidential by her, and will not be disclosed to any other party, or to the trial judge. The undersigned, of course, will not serve as the trial judge in this case.

At the settlement conference the parties, by counsel, shall give a brief (5 minute) presentation outlining the factual and

legal highlights of their case. Then separate, confidential caucuses will be held with each party and the party's representative(s).

The request for parties' personal appearance is intended to increase the efficiency and effectiveness of the settlement conference by reducing the time for communication of offers and expending the ability to explore options for settlement.

**All parties and attorneys are to be aware the settlement conference will continue until adjourned by the undersigned. The parties and attorneys should arrange their schedules accordingly.**

If a party has a conflict with the scheduled time, please promptly notify Gina Hellums, Courtroom Deputy, via email ELSsettle@arwd.uscourts.gov or Gina\_Hellums@arwd.uscourts.gov. In the event of settlement prior to the conference date, the court should be advised by notifying Ms. Hellums, Courtroom Deputy, at the email addresses above or at (479) 251-1946.

IT IS SO ORDERED this 16TH day of December, 2009.

*/s/ Erin L. Setser*

HONORABLE ERIN L. SETSER  
UNITED STATES MAGISTRATE JUDGE

cc: All Counsel of Record  
Gail Garner-Judge Hendren's Office