

options. “Settlement” may or may not include payment of money damages. It also may or may not include an agreement to handle Plaintiff’s situation differently. A compromise agreement is one in which both parties have given something up and both have obtained something in return.

The failure of any counsel, party or authorized person subject to this order to appear in person or to be available by phone as described above will result in the immediate imposition of sanctions. Sanctions will include, but will not be limited to, the attorney fees and travel costs of the other parties in the case. In addition, the conference will not proceed and will be reset to another date.

The parties shall provide Confidential Mediation Briefs (which means each brief should not be sent to the other parties) on or before 5:00 pm (MDT), July 8, 2010, to the Court at 550 W. Fort, Boise, Idaho 83714. Defendants’ counsel may submit Defendants’ mediation memorandum alternatively by e-mail to lmb_orders@id.uscourts.gov.

Plaintiff’s mediation brief must include the following:

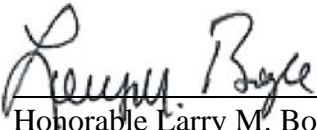
1. A brief description of the case and the claims asserted;
2. A specific demand for settlement addressing all relief or remedies sought; and
3. A brief description of any previous settlement efforts and what the Plaintiff hopes to accomplish through this mediation.

Defendants' mediation brief must include the following:

1. A brief description of the Defendants' positions concerning Plaintiff's allegations and a list of defenses;
2. A specific and current response to Plaintiff's requests for relief in the Complaint and the Defendants' specific offer of settlement;¹and
3. A brief description of any previous settlement efforts and what Defendants hope to accomplish through this mediation.

All information provided during the conference is considered confidential and privileged, and the parties may request that the mediation briefs be returned to the submitting party at the end of the mediation session. No statements considered during the mediation procedure may be used against any party to this litigation.

DATED: **June 22, 2010.**



Honorable Larry M. Boyle
United States Magistrate Judge

¹ A general statement that a party will “negotiate in good faith” is not a specific demand or offer as contemplated by this Order.

ATTACHMENT "A"

SETTLEMENT CONFERENCE AGENDA

- Convening of settlement conference by Judge Boyle
- Description by judge of purpose and procedures of the conference
- Discussion of the problems that divide the parties
- Statement by the plaintiff's attorney of what the plaintiff would like to achieve in a settlement
- Statement by the defendant's attorney of what the defendant would like to achieve in a settlement
- Summary of the areas of mutual interest of the parties by the settlement judge
- Exploration of options for settlement
- Opportunities for each of the parties and their attorneys to consult in private concerning the options
- Opportunities for each of the parties and their attorneys to meet with Judge Boyle in private concerning the options and the merits of their case
- Mediation by Judge Boyle to assist the parties and their attorneys in reaching a settlement
- Settlement, if the parties agree.