

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DEBRA A. TRAVIS,

Plaintiff,

v.

Case No: 2:14-cv-715-FtM-29CM

ABLE WRECKER & ROAD  
SERVICE, LLC, PURSELL'S  
WRECKER & ROAD SERVICE,  
INC., JOSEPH R. PURSELL and  
MARY P. JENNINGS,

Defendants.

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**ORDER**

Before the Court is the parties' Joint Motion to Conduct FLSA Settlement Conference Telephonically and Incorporated Memorandum of Law (Doc. 16), filed on April 17, 2015. The parties request that counsel be permitted to meet telephonically to conduct the settlement conference required by the Court's FLSA Scheduling Order, entered in this case on March 19, 2015. Doc. 14. That Order states "all counsel and any unrepresented parties shall meet and confer *in person* in a good faith effort to settle all pending issues, including attorneys' fees and costs . . . and shall set aside sufficient time for a thorough, detailed, and meaningful conference that is calculated to fully resolve the case by agreement." *Id.* at 3 (emphasis added).

The parties seek permission to meet telephonically because counsel for Plaintiff is located in Plantation, Florida and counsel for Defendant is located in Sarasota, Florida. Doc. 16 at 1. The Court acknowledges that the Local Rules

encourage telephonic meetings whenever possible; the Local Rules, however, also require in-person attendance at mediation. M.D. Fla. Rules 3.01(i), 9.05(c). While the FLSA settlement conference is not formal mediation, it may occur in addition to or, if successful, in lieu of formal mediation, and the Court believes that settlement efforts are most effective when conducted in person. Thus, the Court will deny the motion. *See Rafer v. Pursley*, No. 8:09-cv-109-T-33TGW, 2009 WL 1913272, at \*1 (M.D. Fla. July 1, 2009) (declining to adjust the in-person requirement for settlement conferences “due to the slight inconvenience posed by interstate travel.”).

ACCORDINGLY, it is hereby

**ORDERED:**

The parties’ Joint Motion to Conduct FLSA Settlement Conference Telephonically and Incorporated Memorandum of Law (Doc. 16) is **DENIED**.

**DONE** and **ORDERED** in Fort Myers, Florida on this 21st day of April, 2015.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record