

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

WELLS FARGO BANK NA,

Plaintiff,

v.

Case No. 1:11-cv-127-MP-GRJ

BBMJ LLC, et al.,

Defendants.

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**ORDER**

This case has been referred to the undersigned to conduct a settlement conference to be conducted on or before September 14, 2012. (Doc. 99.)

As general guidance to the parties the parties should be aware that the settlement conference 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, pursuant to Fed. R. Evid. 408,<sup>1</sup> and will not be disclosed to any other party, or to the district judge.

At least **two (2) days** prior to the settlement conference, each party shall provide the undersigned, in confidence, a concise statement of the evidence supporting the position of the party, the relevant positions of the parties concerning factual issues, issues of law, damages, and the settlement negotiation history of the case, including a recitation of any specific demands and offers that have been conveyed. The settlement

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<sup>1</sup> Rule 408 provides, in pertinent part, that evidence "of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration or attempting to compromise a claim which was disputed as to either validity or amount, is not admissible to prove liability for or invalidity of the claim or its amount. Evidence of conduct or statements made in compromise negotiations is likewise not admissible."

conference statement shall not exceed **seven (7) pages** in length and will not be made a part of the case file. The parties may provide the statement to the undersigned by emailing the statement to my courtroom deputy, Adelita Tinaya-Miller.

At the settlement conference, the parties, by counsel, shall give a brief (five -ten minute) presentation, outlining the factual and legal highlights of their case. Subsequently, separate confidential caucuses will be held with each party and the party's representative(s). The Court expects both the lawyers and the party representatives to be fully prepared to participate. The Court encourages all parties to keep an open mind in order to reassess their previous positions and to discover creative means for resolving the dispute.

All parties including any unrepresented parties are required to personally attend the settlement conference. A corporate party shall appear by a representative authorized to negotiate, and who has authority to settle the matter up to the amount of the opposing parties' existing settlement demand or offer.

The parties should contact my courtroom deputy, Adelita Tinaya-Miller at (352) 380-2402 and provide mutually available dates in August for the Court to schedule the settlement conference.

**DONE AND ORDERED** this 24<sup>th</sup> day of July, 2012

*s/ Gary R. Jones*  
GARY R. JONES  
United States Magistrate Judge