

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RESTRICTED SPENDING,

Plaintiff(s),

vs.

APPLE, INC.,

Defendant(s).

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CASE NO. 08-93-MJR

ORDER SETTING SETTLEMENT CONFERENCE

TO ALL PARTIES AND COUNSEL OF RECORD:

A settlement conference in the above case has been set before the **Honorable Clifford J. Proud, U.S. Magistrate Judge, May 19, 2009 at 9:30 A.M. in Chambers, Room 276, Second Floor, Melvin Price Federal Bldg. and U. S. Courthouse, East St. Louis, Illinois.**

The purpose of the settlement conference is to permit an informal discussion of every aspect of the lawsuit bearing on its settlement value and to discuss, propose and consider, and in appropriate instances to enter into settlement agreements. For these purposes it is essential that in addition to trial counsel the individual parties be present and in the case of corporate parties and insurance carriers a representative executive with unrestricted authority to discuss, consider, propose and agree, or disagree, to any settlement proposal or offer.

The parties are directed to submit ex parte and under seal to Judge Clifford J. Proud a settlement conference statement, **on or before May 5, 2009**, setting forth, among other things, each party's position concerning factual issues, issues of law, damages or relief requested and the party's settlement position and grounds therefor. Such settlement statement shall be addressed and mailed to **Judge Proud, U.S. Courthouse, 750 Missouri Avenue, East St. Louis, Illinois 62201**, in an envelope marked **"Confidential - Submitted Under Seal"**.

Settlement statements may also be faxed directly to the Chambers of Judge Proud at **618-482-9010**. Neither the settlement statement nor the contents thereof shall be disclosed to any other party and the same shall remain under seal to be opened only by the Court.

Pertinent evidence to be offered at trial, documents or otherwise, should be brought to the settlement conference for presentation to the settlement judge if thought particularly relevant.

Neither the settlement conference statements nor communications during the settlement conference with the settlement judge can be used by either party in the trial of the case.

In addition to counsel who will try the case being present, the individual parties shall also be present and in the case of corporate parties, associations or other entities and insurance carriers a representative executive with unrestrictive authority to discuss, consider, propose and agree, or disagree, to any settlement proposal or offer shall also be present.

Prior to the settlement conference, the parties should discuss settlement with their respective clients, and opposing parties should discuss settlement with each other so the parameters of settlement have been explored in advance of the settlement conference.

IF EITHER PARTY BELIEVES THAT A SETTLEMENT CONFERENCE WOULD BE FUTILE, THEN THAT PARTY SHALL CONTACT THE COURT NOT LATER THAN SEVENTY-TWO HOURS PRECEDING THE SCHEDULED SETTLEMENT CONFERENCE.

Dated: April 25, 2008

s/Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE

A copy of a settlement statement can be obtained from the Court's Website at www.ilsd.uscourts.gov.