

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

<b>DANIEL E. OWENS</b> <i>individually and on behalf</i>	)	
<i>of all others similarly situated,</i>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CASE NO. 3:09-cv-479-MJR-DGW</b>
<b>vs.</b>	)	
	)	
<b>APPLE INC.,</b>	)	
<b>Defendant.</b>	)	

**ORDER AND NOTICE OF SETTLEMENT CONFERENCE**

**TO ALL PARTIES AND COUNSEL OF RECORD:**

A settlement conference in the above case has been set before the **Honorable Donald G. Wilkerson, U.S. Magistrate Judge, on August 25, 2010 at 9:00 a.m., in Court Room 5, Third 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 all necessary parties be present in person. This includes, but is not limited to, trial counsel and the individual parties. In the case of corporate parties and insurance carriers, a representative executive SHALL be present who has 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 Donald G. Wilkerson a settlement conference statement, **on or before 7 days prior to settlement conference**, 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 Wilkerson, 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 Wilkerson at **618-482-9277** or e-mailed to chambers at **DGWpd@ilsd.uscourts.gov**. 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. The parties are directed to this court's webpage, <http://www.ilsd.uscourts.gov/Judges/wilkersonpretrial.html>, for additional information and requirements.

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.

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 opposing counsel and file a motion with the Court in a reasonable time prior to the scheduled settlement conference.

**THE PARTIES ARE CAUTIONED THAT FAILURE TO BRING ALL NECESSARY PARTIES TO THE SETTLEMENT CONFERENCE COULD RESULT IN THE CONFERENCE BEING RESCHEDULED WITH SANCTIONS IMPOSED UPON THE OFFENDING PARTY.**

DATED: March 8, 2010

**NANCY J. ROSENSTENGEL**  
**Clerk of the Court**

By: s/Jackie Payton  
Deputy Clerk

A copy of a settlement statement can be obtained from the Court's Website at [www.ilsd.uscourts.gov](http://www.ilsd.uscourts.gov).