

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

**JOSEPH WILKINS,**

**Plaintiff,**

**v.**

**Case No. 3:16-cv-01324-DRH-RJD**

**OVERALL, ETCHESON,  
SETH and FOSTER,**

**Defendants.**

**ORDER**

**HERNDON; District Judge:**

Before the Court is plaintiff Joseph Wilkins' motion for summary Judgment (Doc. 27), motion for settlement demand (Doc. 28) and motion for settlement conference. (Doc. 32). The Court **DENIES without prejudice** Wilkins' motion for summary judgment (Doc. 27). This case is very early in the litigation. Defendant Overall filed an answer on April 28, 2017 and the other three defendants have not yet filed an answer. It is unclear if the parties have conducted any discovery. Moreover, Wilkins' motion does not cite to any documents or affidavits. *See* Fed. R. Civ. P. 56(c). Thus, the Court **DENIES** at this time Wilkins' motion for summary judgment. However, he is granted leave to refile a new motion for summary judgment after the parties engage in the discovery process.

Next, Wilkins has filed a motion for settlement demand (Doc. 28) and a motion for settlement conference. (Doc. 32). Wilkins is free to make a settlement demand to the defendants in the hope that they will make an offer of settlement to

him in return, but settlement demands should not be filed with the Court. Settlement demands may be sent directly to defense counsel. Thus, the Court **DENIES** Wilkins' motion for settlement demand (Doc. 28) is denied. Also, the Court **DENIES** Wilkins' motion for settlement conference (Doc. 32). It is unclear whether the defendants are interested in holding a settlement conference at this time. To ensure that settlement conferences are as productive as possible, the Court will only schedule a settlement conference if all parties voluntarily agree to participate. The Court cannot coerce the parties to settle. Wilkins is free to contact defense counsel and discuss whether a settlement conference would be productive at this time. If the parties agree that a settlement conference would likely be beneficial, they may contact the Court to have a settlement conference arranged.

**IT IS SO ORDERED.**

**DATED: May 10, 2017**

*David R. Herndon*



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Judge David R.  
Herndon  
Date: 2017.05.10  
11:05:43 -05'00'

**United States District Judge**