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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ERGON ASPHALT & EMULSIONS, INC.,
Plaintiff(s),
vs.
CAPRIATI CONSTRUCTION CORP. INC.,
et al.,
Defendant(s).

Case No. 2:13-cv-01683-GMN-NJK
**ORDER CONTINUING A
SETTLEMENT CONFERENCE**

The settlement conference in this case is hereby **CONTINUED** to commence at **10:00 a.m. on February 11, 2015**, in the chambers of the undersigned Magistrate Judge, Third Floor, Lloyd D. George United States Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada.

Unless ordered otherwise, the following individual(s) are **required to be present in person for the duration of the settlement conference:**

1. All counsel of record who will be participating in the trial;
2. All parties appearing pro se;
3. All individual parties;
4. **In the case of non-individual parties, an officer or representative with binding authority to settle this matter up to the full amount of the claim or last demand made;** and
5. If any party is subject to coverage by an insurance carrier, then a representative of the insurance carrier with authority to settle this matter up to the full amount of the claim or last demand.

...

1 **Any request for an exception to the above personal attendance requirements must be filed**
2 **and served on all parties within fourteen (14) days of the issuance of this order. Such a request**
3 **will be strictly scrutinized for a showing of compelling justification.**

4 **Any request to reschedule the Settlement Conference must be made in writing within**
5 **fourteen (14) days of the issuance of this order, and any such request must include five alternate**
6 **dates on which all counsel and other required attendees are available.**

7 **PREPARATION FOR SETTLEMENT CONFERENCE**

8 In preparation for the settlement conference, each party shall submit a confidential amended
9 settlement conference statement for in camera review. The statement shall contain the following:

- 10 1. A brief statement of the nature of the action.
- 11 2. The names of the people who will attend the settlement conference.
- 12 3. A concise summary of the evidence that supports your theory of the case, including the
13 names of individuals disclosed pursuant to Rule 26(a)(1)(A)(i), the Rule 26(a)(1)(A)(iii) computation
14 of damages, and the Rule 26(a)(1)(A)(iv) insurance information. You must provide all information
15 which documents or supports your damages claims. Copies of medical records or treatment records need
16 not be submitted but, rather, shall be provided in a table or summary format.
- 17 4. Attach to your statement any documents or exhibits which are relevant to key factual or
18 legal issues, including selected pages from deposition transcripts or responses to other discovery
19 requests.
- 20 5. An analysis of the key issues involved in the litigation. The analysis must include a
21 discussion of the strongest points in your case, both legal and factual, and a frank discussion of the
22 weakest points as well. The Court expects you to present a thorough analysis of the key issues and
23 candid evaluation of the merits of your case.
- 24 6. Identify and explain any obstacles to settlement, e.g. medical liens, statutory caps, or
25 motions pending before the Court.
- 26 7. The history of settlement discussions, if any, which have occurred in this case. Provide
27 any demands, offers, or offers of judgment that have been made and, if applicable, the reasons they have
28 been rejected. Attach a copy of all settlement correspondence, including all written demands or offers

1 and responses thereto.

2 8. Provide the initial settlement proposal that will be presented at the settlement conference
3 with a justification for any monetary amount. The proposal must include any non-monetary settlement
4 terms that will be presented.

5 The amended settlement conference statements shall be received in the chambers of the
6 undersigned Magistrate Judge, and **not** the assigned District Judge, not later than **February 4, 2015**.
7 **DO NOT SERVE A COPY ON OPPOSING COUNSEL. DO NOT DELIVER OR MAIL COPIES**
8 **TO THE CLERK'S OFFICE.**

9 The purpose of the statement is to assist the undersigned Magistrate Judge in preparing for and
10 conducting the settlement conference. In order to facilitate a meaningful conference, your utmost candor
11 in responding to all of the above-listed questions is required. **The settlement conference statement**
12 **will remain confidential.** If this case does not settle, the settlement conference statement will not be
13 disclosed to the judge who ultimately presides over the trial. Each statement will be securely maintained
14 in my chambers, and will be destroyed following the conference.

15
16 **In addition to the above requirements, the parties and counsel must be substantially**
17 **prepared to meaningfully participate in the Settlement Conference in good faith.**

18 **FAILURE TO COMPLY WITH THE REQUIREMENTS SET FORTH IN THIS ORDER**
19 **WILL SUBJECT THE NON-COMPLIANT PARTY AND/OR COUNSEL TO SANCTIONS**
20 **UNDER FEDERAL RULE OF CIVIL PROCEDURE 16(f).**

21 DATED: December 4, 2014

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24 _____
25 NANCY J. KOPPE
26 United States Magistrate Judge
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