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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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MARK LEWIS,

Plaintiff,

vs.

R&L CARRIERS, INC., et al.,

Defendants.

2:17-cv-02793-RFB-CWH

**ORDER SCHEDULING EARLY NEUTRAL  
EVALUATION SESSION**

10 PLEASE TAKE NOTICE that pursuant to the current Court-Based Early Neutral Evaluation  
11 (“ENE”) Program in the District of Nevada as outlined in Local Rule 16-6, an ENE session has been  
12 scheduled to commence at **10:00 a.m., January 30, 2018, in the chambers of the undersigned U.S.**  
13 **Magistrate Judge, Cam Ferenbach, located on the third floor of the Lloyd D. George U.S.**  
14 **Courthouse, 333 Las Vegas Boulevard South, Suite 3005, Las Vegas, Nevada 89101.**

15 Lead trial counsel, all parties appearing pro se, if any, and all individual parties must be present.

16 In the case of organizational or corporate parties, counsel shall arrange for a representative with  
17 binding authority to settle this matter up to the full amount of the claim to be present for the duration of  
18 the ENE session.

19 If any party is subject to coverage by an insurance carrier, then a representative of the insurance  
20 carrier with authority to settle this matter up to the full amount of the claim must be present for the duration  
21 of the ENE session. This representative must be the adjuster primarily responsible for the claims or an  
22 officer with supervisory authority over the adjuster. Third party administrators do not qualify.

23 A request for an exception to the above attendance requirements must be submitted to the  
24 undersigned for approval at least two weeks prior to the ENE session. Counsel of record, individual

1 parties, and a fully authorized representative must appear in person unless the court enters an order  
2 granting a request for exception. Cost or inconveniences due to travel will ordinarily NOT be good cause  
3 for an exception.

#### 4 **PREPARATION FOR ENE SESSION**

5 In preparation for the ENE session, the attorneys for each party, and the parties appearing pro se,  
6 if any, must submit a confidential written evaluation statement for the Court's in camera review. The  
7 evaluation statement must be concise and must:

8 (A) Identify by name or status the person(s) with decision-making authority who, in addition to  
9 the attorney, will attend the early neutral evaluation session as representative(s) of the party, and  
10 persons connected with a party opponent (including an insurer representative) whose presence  
11 might substantially improve the utility of the early neutral evaluation session or the prospects of  
12 settlement;

13 (B) Describe briefly the substance of the suit, addressing the party's views on the key liability and  
14 damages issues;

15 (C) Address whether there are legal or factual issues whose early resolution would reduce  
16 significantly the scope of the dispute or contribute to settlement negotiations;

17 (D) Include copies of documents, pictures, recordings, etc. out of which the suit arose, or whose  
18 availability would materially advance the purposes of the evaluation session (e.g., medical  
19 reports, documents by which special damages might be determined);

20 (E) Discuss the strongest and weakest points of your case, both factual and legal, including a candid  
21 evaluation of the merits of your case;

22 (F) Estimate the costs (including attorney's fees and costs) of taking this case through trial;

23 (G) Describe the history of any settlement discussions and detail the demands and offers that have  
24 been made and the reason settlement discussions have been unsuccessful; and

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1 (H) Certify that the party has made initial disclosures under Fed. R. Civ. P. 26(a)(1) and that the  
2 plaintiff has provided a computation of damages to the defendant under Fed. R. Civ. P.  
3 26(a)(1)(A)(iii).

4 (I) The evaluation statement must be bound pursuant to LR IA 10-1, 10-2 and 10-3.

5 The written evaluation statements must be delivered directly to my chambers, U.S. Magistrate  
6 Judge Cam Ferenbach, in a sealed envelope-MARKED CONFIDENTIAL AND **DO NOT FILE**, not later  
7 than **4:00 p.m., January 23, 2018. DO NOT MAIL THEM TO THE CLERK'S OFFICE. DO NOT**  
8 **SERVE A COPY ON OPPOSING COUNSEL.**

9 The purpose of the evaluation statement is to assist the undersigned Magistrate Judge in preparing  
10 for and conducting the ENE session. In order to facilitate a meaningful session, your utmost candor in  
11 providing the requested information is required. **The written evaluation statements will not be seen by**  
12 **or shared with the district judge or magistrate judge to whom this case is assigned.** The evaluation  
13 statements will be seen by no one except the undersigned. Each statement will be securely maintained in  
14 my chambers, U.S. Magistrate Judge Cam Ferenbach (3rd Floor, 333 Las Vegas Boulevard South, Ste.  
15 3005, Las Vegas, Nevada 89101), and will be destroyed following the session.

16 DATED this 4th day of December, 2017.

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19 CAM FERENBACH  
20 UNITED STATES MAGISTRATE JUDGE  
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