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2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA

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<b>AUG 27 2019</b>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

4 RONALD COLLINS, )  
5 )  
6 Plaintiff, )  
7 vs. )  
8 JOSHUA COLLINS, et al., )  
9 Defendant. )  
10 )

CASE NO. 3:16-cv-00111-MMD-WGC

AMENDED ORDER SCHEDULING  
SETTLEMENT CONFERENCE

11 Pursuant to District Judge Miranda M. Du's Order (ECF No. 253) referring this matter to  
12 a settlement conference, a settlement conference is hereby scheduled to commence on  
13 **MONDAY, OCTOBER 28, 2019 at 10:30 A.M.**, Fifth Floor Chambers, Bruce R. Thompson  
14 U.S. Courthouse and Federal Building, 400 South Virginia Street, Reno, Nevada, before U.S.  
15 Magistrate Judge Robert A. McQuaid, Jr.

17 Unless excused by order of the court, clients or client representatives with complete  
18 authority to negotiate and consummate a settlement shall be in attendance at the settlement  
19 conference. This requires the presence of the client or if a corporate, governmental, or other  
20 organizational entity, an authorized representative of the client.  
21

22 For a defendant, such representative must have final settlement authority to commit the  
23 organization to pay, in the representative's own discretion, a settlement amount up to the  
24 plaintiff's prayer, or up to the plaintiff's last demand, whichever is lower. For a plaintiff, such  
25 representative must have final authority, in the representative's own discretion, to authorize  
26 dismissal of the case with prejudice, or to accept a settlement amount down to the defendant's  
27

1 last offer. If board approval is required to authorize settlement, the attendance of at least one  
2 sitting member of the board (preferably the chairperson) is absolutely required.

3 Any insurance company that is a party or may be contractually required to defend or to  
4 pay damages, if any, assessed within its policy limits in this case must have a fully authorized  
5 settlement representative present. Such representative must have final settlement authority to  
6 commit the company to pay, **in the representative's own discretion**, an amount within the  
7 policy limits, or up to the plaintiff's last demand, whichever is lower.

9 **The purpose of the requirement of personal attendance is to have a representative**  
10 **present who has both the authority to exercise his or her own discretion, and the realistic**  
11 **freedom to exercise such discretion without the negative consequences, in order to settle the**  
12 **case during the settlement conference without consulting someone else who is not present.**

14 In the event counsel for any party is aware of any circumstance which might cast doubt on a  
15 client's compliance with this paragraph, he/she shall immediately discuss the circumstance with  
16 opposing counsel to resolve it well before the settlement conference, and, if such discussion does  
17 not resolve it, request a telephone conference with the court and counsel.

19 Counsel appearing for the settlement conference without their client representatives or  
20 insurance company representatives, unless authorized as described above, may cause the  
21 settlement conference to be canceled or rescheduled. If this occurs, the non-complying party,  
22 attorney or insurer may be assessed the costs and expenses, including attorney fees, incurred by  
23 other parties and the court as a result of such cancellation, as well as any additional sanctions  
24 deemed appropriate by the court. Counsel are responsible for timely advising any involved non-  
25 party insurance company of the requirements of this order.

1           **I.       PREPARATION FOR SETTLEMENT CONFERENCE**

2           Obviously, the conference is intended to facilitate settlement of this case. It will be  
3 conducted in such a manner as not to prejudice any party in the event settlement is not reached.  
4 To that end, all matters communicated to the undersigned in confidence will be kept confidential,  
5 and will not be disclosed to any other party, or to the trial judge. The undersigned, of course,  
6 will not serve as the trial judge in this case.  
7

8           At the settlement conference the parties, by counsel, may be requested to present a brief  
9 (5-10 minute) *non-confrontational* presentation outlining the factual and legal highlights of their  
10 case. [If the parties believe the initial joint session will be counterproductive, please state so in  
11 your respective settlement briefs along with your rationale for same.] Thereafter, separate,  
12 confidential caucuses will be held with each party and/or the party's representative(s).  
13

14           **I.       PREPARATION FOR SETTLEMENT CONFERENCE**

15           In preparation for the settlement conference, the attorneys for each party shall submit a  
16 confidential settlement conference statement for the court's *in camera* review. The settlement  
17 conference statement shall contain the following:  
18

- 19           1. A brief statement of the nature of the action.
- 20           2. A concise summary of the evidence that supports your theory of the case, including  
21 information which documents your damages claims. You may attach to your statement  
22 those documents or exhibits which are especially relevant to key factual or legal issues,  
23 including selected pages from deposition transcripts or responses to other discovery  
24 requests.
- 25           3. An analysis of the key issues involved in the litigation.
- 26           4. A discussion of the strongest points in your case, both legal and factual, **and a frank**  
27 **discussion of the weakest points as well.** The court expects you to present a candid  
28 evaluation of the merits of your case.


- 1 5. A further discussion of the strongest and weakest points in your opponents' case, but only  
2 inf they are more than simply the converse of the weakest and strongest points in your  
3 case.
- 4 6. An estimate of the cost (including attorney fees and costs) of taking this case through  
5 trial.
- 6 7. A history of settlement discussions, if any, which details the demands and offers which  
7 have been made, and the reasons they have been rejected.
- 8 8. The settlement proposal that you believe would be fair.
- 9 9. The settlement proposal that you would honestly be willing to make in order to conclude  
10 this matter and stop the expense of litigation.

11 The settlement conference statements shall be received in the Clerk's Office, 400 S.  
12 Virginia Street, Room 301, not later than **MONDAY, OCTOBER 21, 2019, by 4:00 P.M.** DO  
13 NOT DELIVER OR MAIL THEM TO THE CLERK'S OFFICE; DO NOT SERVE A COPY  
14 ON OPPOSING COUNSEL.

15 The settlement conference statement should be delivered to my chambers in an envelope  
16 clearly marked "Confidential Contains Settlement Brief."

17 The purpose of the settlement conference statement is to assist the court in preparing for  
18 and conducting the settlement conference. In order to facilitate a meaningful conference, your  
19 **utmost candor** in responding to all of the above listed questions is required. The settlement  
20 conference statements will not be seen by the trial judge. The confidentiality of each statement  
21 will be strictly maintained in my chambers. Following the conference, the settlement conference  
22 statements will be destroyed.  
23

24 Dated this 27th day of August, 2019.

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26 \_\_\_\_\_  
27 U.S. Magistrate Judge, Robert A. McQuaid, Jr  
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