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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

COUNTRY STEVENS,)
)
 Plaintiff,)
)
 vs.)
)
 BRIAN WARD, et al.,)
)
 Defendant.)
)

CASE NO. 3:17-cv-00093-MMD-WGC
ORDER SCHEDULING
SETTLEMENT CONFERENCE

A settlement conference is hereby scheduled to commence on **THURSDAY, OCTOBER 24, 2019 at 9:00 A.M.**, Fifth Floor Chambers, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South Virginia Street, Reno, Nevada, before U.S. Magistrate Judge Robert A. McQuaid, Jr.

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

For a defendant, such representative must have final settlement authority to commit the organization to pay, in the representative's own discretion, a settlement amount up to the plaintiff's prayer, or up to the plaintiff's last demand, whichever is lower. For a plaintiff, such representative must have final authority, in the representative's own discretion, to authorize dismissal of the case with prejudice, or to accept a settlement amount down to the defendant's last offer. If board approval is required to authorize settlement, the attendance of at least one sitting member of the board (preferably the chairperson) is absolutely required.

ORDER SCHEDULING SETTLEMENT CONFERENCE - 1

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

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

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

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

25 **I. PREPARATION FOR SETTLEMENT CONFERENCE**

26 Obviously, the conference is intended to facilitate settlement of this case. It will be
27 conducted in such a manner as not to prejudice any party in the event settlement is not reached.
28

1 To that end, all matters communicated to the undersigned in confidence will be kept confidential,
2 and will not be disclosed to any other party, or to the trial judge. The undersigned, of course,
3 will not serve as the trial judge in this case.
4

5 At the settlement conference the parties, by counsel, may be requested to present a brief
6 (5-10 minute) *non-confrontational* presentation outlining the factual and legal highlights of their
7 case. [If the parties believe the initial joint session will be counterproductive, please state so in
8 your respective settlement briefs along with your rationale for same.] Thereafter, separate,
9 confidential caucuses will be held with each party and/or the party's representative(s).
10

11 **I. PREPARATION FOR SETTLEMENT CONFERENCE**

12 In preparation for the settlement conference, the attorneys for each party shall submit a
13 confidential settlement conference statement for the court's *in camera* review. The settlement
14 conference statement shall contain the following:

- 15 1. A brief statement of the nature of the action.
- 16 2. A concise summary of the evidence that supports your theory of the case, including
17 information which documents your damages claims. You may attach to your statement
18 those documents or exhibits which are especially relevant to key factual or legal issues,
19 including selected pages from deposition transcripts or responses to other discovery
20 requests.
- 21 3. An analysis of the key issues involved in the litigation.
- 22 4. A discussion of the strongest points in your case, both legal and factual, **and a frank**
23 **discussion of the weakest points as well.** The court expects you to present a candid
24 evaluation of the merits of your case.
- 25 5. A further discussion of the strongest and weakest points in your opponents' case, but only
26 inf they are more than simply the converse of the weakest and strongest points in your
27 case.
- 28 6. An estimate of the cost (including attorney fees and costs) of taking this case through
trial.


- 1 7. A history of settlement discussions, if any, which details the demands and offers which
2 have been made, and the reasons they have been rejected.
3 8. The settlement proposal that you believe would be fair.
4 9. The settlement proposal that you would honestly be willing to make in order to conclude
5 this matter and stop the expense of litigation.

6 The settlement conference statements shall be received in the Clerk's Office, 400 S.
7 Virginia Street, Room 301, not later than **THURSDAY, OCTOBER 17, by 4:00 P.M. DO**
8 **NOT DELIVER OR MAIL THEM TO THE CLERK'S OFFICE; DO NOT SERVE A COPY**
9 **ON OPPOSING COUNSEL.**

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

12
13 The purpose of the settlement conference statement is to assist the court in preparing for
14 and conducting the settlement conference. In order to facilitate a meaningful conference, your
15 **utmost candor** in responding to all of the above listed questions is required. The settlement
16 conference statements will not be seen by the trial judge. The confidentiality of each statement
17 will be strictly maintained in my chambers. Following the conference, the settlement conference
18 statements will be destroyed.
19

20 Dated this 29th day of July, 2019.

21
22 
23 _____
24 U.S. Magistrate Judge, Robert A. McQuaid, Jr.