

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CARL G. THYMES,

Plaintiff,

v.

CV 16-66 KG/WPL

VERIZON WIRELESS, INC., and
CARLOS RESTREPO,

Defendants.

ORDER RESETTING SETTLEMENT CONFERENCE

To facilitate a final disposition of this case, a mandatory settlement conference will be conducted in accordance with Federal Rule of Civil Procedure 16(a)(5). The conference will be held on **July 13, 2017, at 8:30 a.m.**, in the **Hondo Courtroom of the Pete V. Domenici United States Courthouse, 333 Lomas Blvd. N.W., Albuquerque, New Mexico**. Defense counsel will serve a copy of this Order on worker's compensation counsel.

The parties or a designated representative, other than counsel of record, with full authority to make a final settlement decision, must attend in person. Counsel who will try the case must attend in person. All attorneys and parties involved in the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other participants in preparation for and during the conference.¹

No later than **July 10, 2017, at 12:00 p.m.**, Plaintiff shall serve on defense counsel and worker's compensation counsel a letter that sets forth at least the following information: (a) a brief summary of the evidence and legal principles that plaintiff asserts will allow it to establish

¹ This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

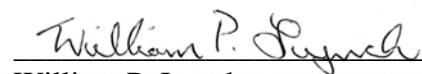
liability; (b) a brief explanation of why damages or other relief would appropriately be granted at trial; (c) an itemization of the principles supporting those damages; and (d) a settlement demand. No later than **July 11, 2017, at 12:00 p.m.**, defense counsel and worker's compensation counsel shall each serve on Plaintiff a letter that sets forth at least the following information: (a) any points in plaintiff's letter with which the defense agrees; (b) any points in plaintiff's letter with which the defense disagrees, with references to supporting evidence and legal principles; and (c) a settlement offer. Counsel will ensure that each party reads the opposing party's letter before the settlement conference.

Defense counsel shall provide copies of these letters to my chambers no later than **July 11, 2017, at 5:00 p.m.** Each party must provide me, in confidence, a concise letter that shall contain an analysis of the strengths and weaknesses of its case by **July 11, 2017, at 5:00 p.m.** These letters may be sent to me by facsimile transmission at **505-348-2305** or by email at **wplproposedtext@nmcourt.fed.us**.

Furthermore, if any party has in its possession any video or audio recordings of the incident upon which this action is based, that party must send me a copy of the recording by **July 10, 2017**.

The settlement conference may not be vacated or rescheduled except upon motion by the party or parties seeking to reschedule for good cause shown. Any motion to vacate or reschedule the settlement conference shall provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the settlement conference.

IT IS SO ORDERED.



William P. Lynch
United States Magistrate Judge