

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

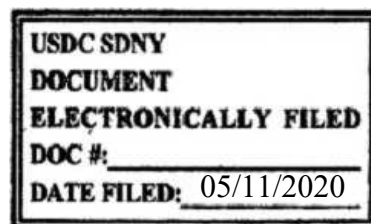
JANET PRUTER, et al.,

Plaintiffs,

-against-

LOCAL 210, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS,

Defendant.



15-CV-1153 (JGK) (BCM)

**ORDER RESCHEDULING
SETTLEMENT CONFERENCE**

BARBARA MOSES, United States Magistrate Judge.

The parties in this case having failed to discuss settlement with one another until May 7, 2020; plaintiffs having failed to present a good faith (or any) settlement demand to defendant during that discussion, or at all; and plaintiff thereafter having failed to submit its required confidential settlement letter or acknowledgment form to the Court in advance of the settlement conference long scheduled for May 14, 2020;

It is hereby ORDERED that the settlement conference is ADJOURNED to **June 3, 2020, at 2:15 p.m.** All other provisions of the Order Scheduling Settlement Conference (Sched. Order) (Dkt. No. 91) remain in effect, including the requirements that, no later than one week prior to the rescheduled conference (that is, no later than **May 27, 2020**): (i) the parties conduct "at least one good-faith settlement discussion," (ii) each party convey to each opposing party "at least one good-faith settlement demand or offer," (iii) any defendant that intends to assert an inability to pay what might otherwise be considered a reasonable settlement amount produce documents to plaintiffs' counsel sufficient to evidence their financial status, (iv) each party submit a confidential settlement letter to chambers by email, containing the updated status of the parties' settlement negotiations to date, as well as any other information likely to be helpful to the settlement process, and (v) each party submit an acknowledgment form to chambers by email, and serve it on all other parties, identifying the individuals who will attend the settlement conference. Sched. Order ¶¶ 2-5.

The Court notes that plaintiffs failed to comply with three of the five requirements listed above in advance of the originally scheduled May 14 conference.¹ Moreover, although plaintiffs may have had a good reason for their failure to make a settlement demand (according to defendant, plaintiffs' counsel explained on May 7, 2020 that he could not present a settlement demand until he received damages-related documents from the pension fund, the production of which has been held up by the COVID-19 pandemic and the public health measures put in place to combat the spread of the disease), they made no effort to advise the Court of the difficulty and made no request, to adjourn the conference. *See* Sched. Order ¶ 7 (requests to adjourn or reschedule the settlement conference must be made by letter-motion "as soon as the need for the adjournment . . . arises and in any event at least one week (seven calendar days) before the scheduled conference").

¹ In addition, it appears that defendant failed to comply with the requirement that it serve its acknowledgment form (though not its confidential settlement letter) on all parties. *See* Sched. Ord. ¶¶ 3-4.

Any future noncompliance with this Court's orders, including the Scheduling Order, may result in sanctions pursuant to, *inter alia*, Fed. F. Civ. P. 16(f).

Unless the Court orders otherwise, the June 3, 2020 settlement conference will be held telephonically. The Court's teleconferencing facilities permit both joint and breakout sessions. To attend the conference, the parties are directed to call **(888) 557-8511** a few minutes before 2:15 p.m. and enter the access code **7746387**, as well as the security code that the Court will provide to maintain the confidentiality of the conference. The security code will be emailed to counsel once the Court has received the parties' settlement letters and acknowledgement forms.

Dated: New York, New York
May 11, 2020

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses", is written over a horizontal line.

BARBARA MOSES
United States Magistrate Judge