

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:18-cv-00332-MR

KAYIE WRIGHT,)	
)	
Plaintiff,)	
)	ORDER
v.)	
)	
FNU DAVIS)	
Marion Corr. Inst. E-Unit Officer,)	
)	
Defendant.)	
_____)	

This matter is before the undersigned on Defendant’s Motion to Excuse Attendance at the Court-Hosted Settlement Conference (the “Motion,” Doc. 78).

A telephonic settlement conference is set for November 16, 2021 from 1:00 p.m. to 3:00 p.m. The Court’s Order of October 4, 2021 provided instructions regarding the parties’ participation in that conference. Doc. 77.

By his Motion, Defendant Nicholas E. Davis requests that he be excused from personally attending the November 16, 2021 conference. Doc. 78 at 1-2. Additionally, Defendant requests that “a representative of the insurance carrier” be excused. Id. Defendant contends that these requests are justified because “representatives of North Carolina Department of Public Safety will attend the scheduled settlement conference and will have the ability to

negotiate and enter into any binding settlement on behalf of Defendant.” Id. at 2. See N.C.G.S. §143-300.6(a) (“The unit of State government that employed the employee shall pay the first one hundred fifty thousand dollars (\$150,000) of liability”).

In view of Defendant’s representation that NCDPS is responsible for Defendant’s liability, the undersigned will excuse a representative from any involved insurance carrier (i.e., a representative other than the NCDPS representatives) from participating in the conference.

With respect to Defendant’s participation, while defense counsel and the NCDPS representatives may have authority to negotiate and enter a binding settlement on behalf of Defendant, as a party to the case Defendant himself has a vested interest in the matter and the undersigned otherwise believes Defendant’s personal participation in the conference may be beneficial. To ensure that such participation is not unduly burdensome, the undersigned has previously advised that Defendant and his counsel may participate in the settlement conference from different physical locations if they so choose, as long as they are on one conference line during the conference. See Doc. 77 at 2.

IT IS THEREFORE ORDERED that the Motion to Excuse Attendance at the Court-Hosted Settlement Conference (Doc. 78) is **GRANTED IN PART AND DENIED IN PART** as follows:

- (1) The request that a representative from any involved insurance carrier (i.e., a representative other than the NCDPS representative) be excused from participating is **GRANTED**; and
- (2) The request that Defendant Nicholas E. Davis be excused from personally participating in the November 16, 2021 settlement conference is **DENIED**.

Signed: October 6, 2021



W. Carleton Metcalf
United States Magistrate Judge

