

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:19-cv-00260-MR

S. SHANE SMITH,

Plaintiff,

v.

JUSTIN LYTLE

Correctional Food Service Officer,

Defendant.

ORDER

This matter is before the undersigned following the Order of the District Court referring this case for a judicial settlement conference. Doc. 49.

A judicial settlement conference is set for **Tuesday, November 9, 2021 from 9:00 a.m. to 11:00 a.m.**

The conference will be conducted by telephone. Call-in information will be provided to Defendant by separate communication, and defense counsel is responsible for ensuring that Plaintiff, through notice to the Warden and/or Plaintiff's case manager at Plaintiff's present place of incarceration, receives a copy of this Order and the call-in information.

Plaintiff shall participate in the conference from Foothills Correctional Institution, Plaintiff's present place of incarceration. Foothills Correctional Institution shall ensure that the necessary accommodations are made to allow

Plaintiff to participate in the settlement conference. To the extent possible, Plaintiff shall be allowed to participate in the settlement conference in a private setting and with access to his case materials.

Defendant and his counsel may participate in the conference from any location they deem appropriate, provided that Defendant and his counsel participate using a single conference line. Further, in accordance with this district's Local Civil Rule 16.3(d)(2), a person with full authority (not including counsel of record) to settle all pending claims must also participate in the conference on behalf of Defendant, to the extent Defendant himself does not have such authority. Any such person shall also participate using the same conference line as Defendant and his counsel.

Any request seeking permission to modify the terms of this Order shall be filed no later than November 2, 2021 or be subject to summary denial.

**Defense counsel shall ensure that the Warden and/or Plaintiff's case manager at Foothills Correctional Institution receive notice of the conference, including call-in information and a copy of this Order.**

The Clerk is respectfully directed to certify a copy of this Order to the  
Warden at Foothills Correctional Institution.

**It is so ordered.**

Signed: October 4, 2021

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf  
United States Magistrate Judge

