

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:18-cv-00188-MR**

<p><b>JAMES C. MCNEILL,</b></p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p><b>v.</b></p> <p><b>CEDRIC GRAHAM, <i>Correctional Officer,</i></b>  <b>KARIEM LANE, <i>Correctional Officer,</i></b>  <b>SUSAN MORRISON, <i>Correctional Officer</i></b></p> <p style="text-align: center;"><b>Defendants.</b></p> <hr style="width: 30%; margin-left: 0;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>ORDER</b></p>
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This matter is before the undersigned on Defendants’ Motion to be Excused from Attendance at the Judicial Settlement Conference (the “Motion,” Doc. 92).

A telephonic settlement conference is set for Wednesday, March 17, 2021 beginning at 1:00 p.m. The Court’s Order of February 25, 2021 provided instructions regarding the parties’ participation in that conference. Doc. 91.

By their Motion, Defendants Cedric Graham, Kariem Lane, and Susan Morrison (“Defendants”) request that they be excused from personally attending the March 17, 2021 conference. Doc. 92 at 1. Additionally, Defendants request that “a representative of the insurance carrier for any party” also be excused. Id. Defendants contend that this request is justified because the North Carolina Department of Public Safety (“NCDPS”), as

Defendants' employer, is responsible "for payment of a final judgment or the amount due under settlement of the action" and because representatives of NCDPS "will attend the scheduled settlement conference and will have the ability to negotiate and enter into any binding settlement agreement on behalf of Defendants." Id. at 1-2. 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 Defendants' representation that NCDPS is responsible for Defendants' 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 Defendants' participation, while defense counsel and the NCDPS representatives may have authority to negotiate and enter a binding settlement on behalf of Defendants, as parties to the case Defendants themselves have a vested interest in the matter and the undersigned otherwise believes Defendants' personal participation in the conference may be beneficial. In order to ensure that such participation is not unduly burdensome, the undersigned has previously advised that Defendants and their 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. 91 at 1-2.

**IT IS THEREFORE ORDERED** that Defendants' Motion to be Excused from Attendance at the Judicial Settlement Conference (Doc. 92) 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 representatives) be excused from participating is **GRANTED**; and
- (2) The request that Defendants Cedric Graham, Kariem Lane, and Susan Morrison be excused from personally participating in the March 17, 2021 settlement conference is **DENIED**.

Signed: March 9, 2021



W. Carleton Metcalf  
United States Magistrate Judge

