

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Adam Peterson, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Murex Petroleum Corporation, )  
 Mickey Peck, company man, )  
 Stokes and Spiehler, Stokes and Spiehler )  
 Onshore, Inc., Earl Britzenhoff, Company )  
 Man, and Phoenix Operating Company, )  
 )  
 Defendants, )  
 )  
 and )  
 )  
 Murex Petroleum Corporation, )  
 )  
 Defendant and )  
 Third-Party Plaintiff, )  
 )  
 vs. )  
 )  
 WISCO, Inc., )  
 )  
 Third-Party Defendant. )

**ORDER FOR SETTLEMENT  
CONFERENCE**

Case No. 1:17-cv-165

---

On May 17, 2019, Third-Party Defendant WISCO, Inc. ("WISCO") filed a request for a settlement conference in the above entitled matter. The court subsequently held a status conference with counsel for Murex Petroleum Corporation and WISCO. Pursuant to the its discussion with counsel, the court **GRANTS** WISCO's request (Doc. No. 160).

Accordingly, a settlement conference between Murex and WISCO shall be scheduled before the undersigned on August 14, 2019, at 9:00 a.m. It shall be held at the U.S. Courthouse located in Bismarck, North Dakota (Eagle courtroom). It shall be attended by both parties, together with trial

counsel for each party. An insured party need not attend unless the settlement decision will be made in part by the insured. When the settlement decision will be made in whole or in part by an insurer, the insurer shall send a representative. The persons attending shall be vested with the necessary settlement authority. Any relief from these requirements must be obtained in advance. Failure to produce the appropriate person(s) at the conference may result in an award of costs and attorney fees incurred by the other parties in connection with the conference and/or other sanctions against the noncomplying party and/or counsel.

The parties shall submit brief settlement statements so no later than two days prior to the settlement conference. Settlement statement shall not become a part of the file of the case, but shall be for the exclusive use of the Court in preparing for and conducting the settlement conference.

The settlement statement shall contain a specific recitation of the facts, a discussion of the strengths and weaknesses of the case, the parties' positions on settlement, including a present settlement proposal, and a report on settlement efforts to date. If not already part of the court file, copies of any critical agreements, business records, photographs or other documents or exhibits shall be attached to the settlement statement. The settlement statement should not be lengthy, but should contain enough information to be useful to the Court in analyzing the factual and legal issues in the case. The parties are directed to be candid in their statements.

The parties shall email their settlement statements to [ndd\\_J-Miller@ndd.uscourts.gov](mailto:ndd_J-Miller@ndd.uscourts.gov). The settlement statement shall not be filed with the Clerk's office. Copies of the settlement statement shall not be provided to the other parties in the case.

Counsel are directed to confer with their clients in advance of the conference to explore the parties' settlement positions, and the parties are encouraged to exchange settlement proposals prior to the conference. These steps will enable the conference to progress more expeditiously.

Dated this 29th day of May, 2019.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court