

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**NEPHROLOGY & HYPERTENSION
SPECIALISTS, LLC,**

Plaintiff,

v.

**FRESENIUS MEDICAL CARE
HOLDINGS, INC.,**

Defendant.

Case No. 2:09-cv-781

JUDGE EDMUND A. SARGUS, JR.

MAGISTRATE JUDGE TERENCE P. KEMP

ORDER

This case is set for a settlement conference on **Monday, May 24, 2010 at 10 a.m.** under Fed. R. Civ. P. 16(a)(5) and (c)(9) before The Honorable Edmund A. Sargus, Jr., United States District Court, 85 Marconi Boulevard, Room 301, Columbus, Ohio 43215. Counsel and the parties shall adhere to the following with respect to the settlement conference:

- (1) The trial attorney for each party must attend the conference.
- (2) The parties or principals with settlement authority shall be present. Fed. R. Civ. P. 16(c). In rare instances, the Court may permit a party to be available by telephone.
- (3) Lack of discovery or settlement authority will not excuse active participation in the conference.
- (4) No later than fourteen (14) days before the conference, each plaintiff must submit to counsel for all opposing parties a fully documented, written settlement demand; and
- (5) No later than ten (10) days before the conference, each opposing party must respond, in writing, to each settlement demand fully documenting that party's position.
- (6) No later than seven (7) days before the conference, each party shall submit directly and only to Chambers a letter (Confidential Assessment), not to exceed three

pages, (a) explaining the party's theory of the case, (b) indicating its position on settlement (in monetary terms, if applicable), and (c) setting forth all conditions necessary to achieve settlement (including non-monetary terms).

(7) Before the conference counsel shall discuss with their clients whether this case would be appropriate for alternative dispute resolution. Fed. R. Civ. P. 16(c)(9); S.D. Ohio L.R. 16.3.

Any questions regarding the settlement conference should be addressed to the Court's Law Clerks, Michelle Pfefferle or Anthony Molnar, at (614) 719-3240.

IT IS SO ORDERED.

4-14-2010

DATED



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE