

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

<b>BROAD STREET ENERGY CO.,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	<b>Case No. 2:12-CV-711</b>
<b>v.</b>	:	
	:	<b>JUDGE ALGENON L. MARBLEY</b>
<b>ENDEAVOR OHIO, LLC,</b>	:	
	:	<b>Magistrate Judge Deavers</b>
<b>Defendant.</b>	:	

**ORDER RESETTING SETTLEMENT CONFERENCE**

This matter came before the Court by way of a Telephonic Status Conference before the Court. The parties requested a continuance of the Settlement Conference currently scheduled for November 26, 2013. Upon agreement of the parties, the Court reschedules the Settlement Conference in this case for **Friday, November 22, 2014 at 1:00 p.m.**

**Settlement Conference**

This case is set for a settlement conference on **Friday, November 22, 2013 at 1:00 p.m.**, under Fed. R. Civ. P. 16(a)(5) and 16(c)(2)(I), before The Honorable Algenon L. Marbley, United States District Court, 85 Marconi Boulevard, Room 319, 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 full settlement authority shall be present.** 28

U.S.C. § 473 (b)(5); Fed. R. Civ. P. 16(c)(2)(I). Upon written motion and for good cause shown, the parties or principals with settlement authority may satisfy the presence requirement by being available by telephone. Such motion must be made at least one (1) week in advance of the

settlement conference. Failure to appear or failure to obtain the Court's permission to appear by telephone shall result in sanctions against the offending party.

(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) On **November 15, 2013**, each party shall submit directly and only to the Court's Chambers a letter, not to exceed five 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 some other form of alternative dispute resolution. The Court encourages the parties to consider seriously this option, which has consistently resulted in significant savings over the cost of a full trial.

Any questions regarding the settlement conference should be addressed to the Court's Law Clerk, **Allison Stechschulte** at (614) 719-3263.

This order supersedes all previous orders in this case to the extent previous orders are inconsistent with this order.

Parties are reminded that the use of mobile devices, including but not limited to text messaging and emailing, during status conferences before the Court is strictly prohibited.

**IT IS SO ORDERED.**

s/Algenon L. Marbley  
**ALGENON L. MARBLEY**  
**UNITED STATES DISTRICT JUDGE**

**DATED: October 23, 2013**