

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ROBERT D. ARMSTRONG f/k/a Robert)
D. Swan; and JOHN D. ARMSTRONG)
f/k/a John D. Swann,)
Plaintiffs)

No. 3-08-0974

v.)

STRUCTURED BENEFITS OF)
FLORIDA,)
Defendant)

and)

SYMETRA LIFE INSURANCE CO.)
f/k/a Safeco Life Insurance Company;)
TRAVELERS CASUALTY & SURETY)
CO.; TRAVELERS INDEMNITY)
COMPANY; and PACIFIC LIFE)
INSURANCE CO.,¹)
Defendants/Third-Party Plaintiffs)

v.)

BEVERLY ARMSTRONG; and BOB)
ARMSTRONG,)
Third-Party Defendants)

ORDER

Pursuant to the order entered August 2, 2010 (Docket Entry No. 86), the Court held a telephone conference call with third-party defendants Beverly and Bob Armstrong and with counsel for the plaintiffs and defendants on August 12, 2010, at which time the following matters were addressed:

1. The September 1, 2010, deadline for completion of fact discovery is extended to October 1, 2010.
2. The September 15, 2010, deadline for filing any motions relating to fact discovery is extended to October 15, 2010.

¹ By order entered May 17, 2010 (Docket Entry No. 52), Travelers Casualty & Surety Company was substituted for Aetna Casualty & Surety Co., as originally named in the complaint, and Travelers Indemnity Company was substituted for St. Paul Travelers Casualty & Surety Co., as originally named in the complaint.

3. All other deadlines provided in the orders entered May 10, 2010 (Docket Entry Nos. 49 and 50) remain in full force and effect.

4. If and when third-party defendants retain an attorney, the parties anticipate that they will participate in mediation and they believe that there would be a good chance of settlement. Mr. and Mrs. Armstrong indicated their desire to retain counsel and recounted their attempts to obtain counsel, which have been unsuccessful to date in large part because of conflicts between potential counsel and the defendants, particularly Travelers.² However, Mr. and Mrs. Armstrong advised that one of the lawyers whom they had contacted had agreed to provide but had not yet provided them with names of attorneys who might be able to represent them.


Counsel for the plaintiffs and defendants shall confer about attorneys who might be able to represent the Armstrongs and shall relay those names to the Armstrongs.

5. A further telephone conference call is scheduled with counsel for the plaintiffs and defendants and with Beverly and Bob Armstrong on **Wednesday, August 25, 2010, at 3:00 p.m.**, to be arranged by counsel for defendant Pacific Life Insurance Co., to address whether Mr. and Mrs. Armstrong have obtained counsel and, if so, whether or when the parties have scheduled private mediation.

If the Armstrongs have obtained counsel prior to August 25, 2010, such counsel shall participate in the August 25, 2010, conference call. If the Armstrongs have not yet obtained counsel, they shall participate in the August 25, 2010, conference call themselves, and counsel for defendant Pacific Life shall insure that they participate in the call.

The Clerk is directed to mail a copy of this order to Bob and Beverly Armstrong, 4230 Armstrong Road, Springfield, TN 37172, by regular, first class mail (only).

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge

² Counsel for both Travelers and Pacific Life expressed their willingness to try to resolve any conflict issues between their clients and potential counsel for the third-party defendants.