

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

STANDING ORDER FOR SETTLEMENT CONFERENCES BEFORE
MAGISTRATE JUDGE TU M. PHAM

This case has been referred for a settlement conference before Magistrate Judge Tu M. Pham. All parties and their lead counsel are ordered to appear at the Clifford Davis/Odell Horton Federal Building, 167 North Main Street, Suite 338, Memphis, Tennessee, on the date and time set by Judge Pham.

The lead attorney who will try the case for each party must appear. In addition, the parties, or representatives of corporate parties, must be present *in person* at the conference and must possess *full authority* to approve any settlement. If any part of the potential liability of a party is insured, or subject to indemnity, a representative of an insurer or indemnitor with authority to pay the full policy limits must also be present in person at the conference.

All participants should allocate adequate time for the settlement conference. Although the conference may conclude in the early afternoon, all participants should clear their calendars for the entire day. Judge Pham's commitment is to work with the parties for as long as necessary.

At least fourteen (14) days prior to the settlement conference, the plaintiff must make a good faith proposal of settlement to the defendant. At least seven (7) days prior to the conference, the defendant must make a good faith counter-proposal.

Counsel shall submit to Judge Pham's ECF inbox ([ECF Judge Pham@tnwd.uscourts.gov](mailto:ECF_Judge_Pham@tnwd.uscourts.gov)), at least three (3) business days before the settlement conference, an *in camera* statement containing (1) a summary of the evidence and legal principles; (2) an explanation of the relief sought, including an itemization of damages by the plaintiff and factors that may mitigate damages by the defendant; (3) the strengths and weaknesses of the case; and (4) a summary of the parties' settlement discussions. The *in camera* statement is not to be filed with the court, will be for Judge Pham's review only, and will be used solely for the settlement conference.

s/ Tu M. Pham

TU M. PHAM
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

)	
xx,)	
)	
Plaintiff,)	
)	
v.)	No. xx
)	
xx)	
)	
Defendant.)	
)	

SETTLEMENT CONFERENCE CONFIDENTIALITY

Pursuant to Local Rule 16.1(c) and in accordance with 28 U.S.C. § 652(d), any ADR process conducted in a case pending in the Court is confidential. By entering into such a process, the parties mutually covenant with one another to preserve confidentiality. The parties, their counsel, and the neutral are prohibited from disclosing to the presiding judge or to a third person any information regarding communications or expressive conduct made during settlement proceedings except as specified in this Rule. Evidence about such communications shall not be admissible in any subsequent proceeding except as permitted by the Federal Rules of Evidence.

Communications deemed confidential by this Rule may be disclosed, if such disclosure is not otherwise prohibited by

law, only in the following circumstances: (A) All parties consent to the disclosure of the communication; or (B) The judicial officer who would otherwise enter judgment in the case or, in the event of the unavailability of that judicial officer, the Chief District Judge, conducts an *in camera* hearing or comparable proceeding and determines that evidence of the content of the communication is not otherwise available and that there is a compelling need for the evidence which substantially outweighs the policy favoring confidentiality. The confidentiality of information disclosed during ADR proceedings does not prohibit or limit (i) the Court from collecting information relative to evaluation of the ADR process, (ii) a party from disclosing the final resolution and settlement reached unless the parties have agreed to the confidentiality of same, and (iii) a participant from making such disclosures as required by law.

During the settlement conference, it will be necessary for the undersigned Magistrate Judge to meet with the parties and/or their attorneys separately and engage in private *ex parte* communications. By participating in the settlement conference, all parties and their counsel consent to the Magistrate Judge engaging in these separate communications in an effort to

mediate the case. If any party objects to the Magistrate Judge engaging in separate communications, those objections must be made known to the Magistrate Judge and opposing party prior to the start of the settlement conference.

AGREED TO BY:

Printed Name and Title, if Applicable	Signature	Plaintiff or Defendant

Date