

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
Magistrate Judge Edward G. Bryant**

**INSTRUCTIONS CONCERNING
SETTLEMENT CONFERENCES**

The lead attorney who will try the case for each party shall appear, and it is expected that counsel will be fully authorized to accomplish settlement of this case and prepared to engage in effective settlement negotiations. In addition, the parties, or representatives of corporate parties, **WITH FULL SETTLEMENT AUTHORITY**, must be present in person at the conference. 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 of indemnity limits, must be present in person at the conference.

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

Counsel shall submit to Magistrate Judge Bryant's ECF inbox (ECF_Judge_Bryant@tnwd.uscourts.gov), **at least five (5) business days before the scheduled settlement conference, but no later than the date indicated in the setting letter**, (pro-se parties, if unable to email, may submit their statements via U.S. mail to the above address), a statement setting forth the following:

1. **Case Summary**: state the basic facts and history of the case, including the claims and defenses of the parties.
2. **Liability and Damages**: state whether liability is disputed, and, if so, attach any relevant documents (accident reports, etc.). State the type and amount of damages sought. The plaintiff(s) shall include an itemized list of damages sought, the basis for seeking each item, and any relevant support for seeking such damages. The defendant(s) shall set forth any factors that may mitigate the damages sought, along with relevant support.
3. **Expert Opinions**: list the names of all experts that you anticipate will testify at trial, along with a brief summary of their opinions.
4. **Points of Law**: If the case contains significant or unusual points of law, please include a brief description, attaching relevant authorities cited to or relied on.
5. **Strengths and Weaknesses**: list the strengths and weaknesses of both your case and your

opposing party's case.

6. **Costs of Trial**: list the estimated costs you will incur if the case is not resolved in this settlement conference and goes to trial.
7. **Probable Outcome**: state what you believe the outcome will be in the event that the case goes to trial.
8. **History of Settlement Negotiations**: describe the parties' attempts to resolve the case to date, including the latest offers made. Describe why the parties have not been able to resolve the case. If you are waiting on additional information to properly evaluate the case, describe what additional information you need and what steps you have taken to get that information.

The statement you prepare is for Judge Bryant's review and solely for use in this settlement conference, i.e. it will not be shared with the District Judge trying this case. **Parties are required to note which portions of their statements are CONFIDENTIAL – statements that are not marked as such may be shared with the opposing side during settlement negotiations.**

Failure to timely submit the private statement may result in sanctions, such as paying travel costs of the other party or parties.

Counsel will be expected to have discussed the prospect of settlement with their client(s) before the conference. It is further expected that after such discussions, the parties will have made at least one settlement offer and counter-proposal in good faith.

Last Revised: March 25, 2013