

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
AT LONDON

CIVIL NO. 06-65-DCR

DOUGLAS WARFIELD and
TIA WARFIELD, his wife

PLAINTIFFS

VS:

ORDER

D.C. 1980,INC.; D.C. 1980, INC.
f/k/a CONNECTICUT VALLEY ARMS,
INC.; and BLACKPOWDER PRODUCTS,
INC.

DEFENDANTS

* * * * *

By agreement of counsel and the court being sufficiently advised,

IT IS ORDERED that the settlement conference assigned for May 23, 2006, is
CANCELLED, and same is reassigned for **Monday, June 5, 2006, at 9:30 a.m.,
Courtroom C**, in the United States Courthouse, London, Kentucky.

Before the close of business on **May 30, 2006**, plaintiff(s) and defendant(s)
shall deliver under seal, directly to the Magistrate Judge's Chambers, 351 U.S.
Courthouse, 310 South Main, London, Kentucky 40741, or by facsimile (606) 877-
7945, ex parte settlement conference statements which shall specify their respective
settlement positions. Each statement is to be furnished only to the Court and not to

the other side. The statements shall not be filed with the Clerk of the Court. In their respective statements, plaintiff(s) and defendant(s) shall make a candid assessment of the strengths and weaknesses of both sides of the case and shall make an appraisal of the issue of liability. Plaintiff's statement shall contain an assessment from plaintiff's viewpoint of plaintiff's damages and the strengths and weaknesses of plaintiff's position. Defendant's statement shall contain an assessment of the plaintiff's damages, defendant's exposure to those damages, and the respective strengths and weaknesses of the defendant's position. Nothing in the way of a jury speech shall be contained in the settlement conference statements. Each statement shall contain an assessment of the economic cost of proceeding to trial.

Each settlement conference statement shall contain a statement of the settlement authority extended by the client(s) based on the attorney's written evaluation and opinion which shall be furnished to the respective client(s) in sufficient time to obtain express settlement instructions.

Counsel who have noticed a deposition or have requested interrogatories, requests for admissions or production of documents, **shall include copies of the answers (or a summary of the relevant portion thereof), and copies or a summary of the depositions, along with the settlement conference statement.**

In addition to counsel who will try the case being present, it is required that the parties, as well as any person with actual settlement authority, be present for the conference. A person with limited settlement authority, or a person who is not directly or actively associated with the parties, does not meet this requirement. **At the commencement of the settlement conference, counsel shall be prepared to make a brief opening statement, not to exceed ten (10) minutes in length.**

The Court requests that bona fide settlement negotiations commence as soon as practicable and be conducted as often as necessary prior to the settlement conference.

This the 16th day of May, 2006.



Signed By:

J.B. Johnson, Jr.

A handwritten signature in black ink, appearing to read "J.B. Johnson, Jr.", written over the printed name.

United States Magistrate Judge