

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION  
Filed 1-8-01

IN THE MATTER OF  
SETTLEMENT WEEK

EASTERN DIVISION ORDER  
NO. 01-2

GENERAL ORDER ON SETTLEMENT WEEK

The United States District Judges for the Southern District of Ohio, Eastern Division, adopt the following general provisions to be applicable in the conduct of Settlement Week. This order is intended to supplement the provisions of Local Rule 16.3 and to replace Section IV of Eastern Division 91-4, which has been superseded by Eastern Division Order 01-1.

I. SETTLEMENT WEEK COORDINATOR

The United States Magistrate Judge selected as ADR Coordinator pursuant to Local Rule 16.3 (d)(1) shall, in addition to the duties set forth in that Rule, be the Settlement Week Coordinator, and shall be responsible for insuring that the procedures for appointing and training neutral mediators for Settlement Week are developed and promulgated as required by 28 U.S.C. §653. The Coordinator shall develop written procedures to be followed by clerical and administrative personnel which will insure the efficient operation of the Settlement Week program.

II. SELECTION OF CASES FOR SETTLEMENT WEEK AND ASSIGNMENT OF MEDIATORS

Each United States Magistrate Judge shall be primarily responsible for selecting those cases from his or her docket which should be mediated during any specific Settlement Week. Counsel may also request that a case be mediated during a specific Settlement Week. Mediators will be assigned to each such case based on procedures to be developed by the Settlement Week coordinator and agreed to by the Magistrate Judges. Clerical assistance needed by the Magistrate Judges in order to implement the assignment of cases to Settlement Week and the selection of mediators shall be provided primarily by the Magistrate Judges' secretaries, administrative assistants, courtroom deputies, and other Clerk's office personnel, who shall also provide information and assistance to the mediators.

### **III. SETTLEMENT WEEK MEDIATION PROCEEDINGS**

In order to maximize the likelihood of meaningful settlement negotiations at the Settlement Week conference, and unless otherwise ordered by a District or Magistrate Judge:

- A. The trial attorney and principal for each party shall attend the conference in person.
- B. The parties shall exchange fully-documented written settlement demands and offers prior to the conference, with the demand being due at least two weeks before the date selected for the conference, and the response not less than one week before that date.
- C. A party may be excused from compliance with the provisions of this General Order or any other Settlement Week order only upon motion made to the Magistrate Judge, in writing or in a telephone or in-person conference, at an appropriate time prior to the conference. Any such motion must be accompanied by a statement that the movant has conferred with opposing counsel and a statement of the reasons for the requested continuance. If the continuance is being requested based on the lack of discovery or disclosures, the movant shall state, or be prepared to state, when it is reasonably anticipated that such discovery or disclosures will be completed and when the case will be ready for a mediation conference. Any written motion for a continuance must be served on the moving counsel's client. The Magistrate Judges, or the assigned District Judge, may impose sanctions, as permitted by law, for noncompliance with this General Order or with other orders relating to Settlement Week.

James L. Graham, Judge  
United States District Court

George C. Smith, Judge  
United States District Court

Edmund A. Sargus Jr., Judge  
United States District Court

Algenon L. Marbley, Judge  
United States District Court

Joseph P. Kinneary, Senior Judge  
United States District Court

John D. Holschuh, Senior Judge  
United States District Court