

UNITED STATES DISTRICT COURT
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NEW YORK 10007-1312

DOUGLAS F. EATON
UNITED STATES MAGISTRATE JUDGE

**Standing Order for All Cases Referred for Settlement
to Magistrate Judge Douglas F. Eaton**

1. All settlement conferences are "off the record" and all communications to the magistrate judge relating to settlement are confidential.

2. The magistrate judge functions as a mediator, attempting to help the parties reach a settlement. Efficient use of this process requires that counsel and their clients be (1) prepared for the conference and (2) candid with the mediator. I will hold only one conference -- this is not a dress rehearsal.

3. The week before the settlement conference (and no later than Thursday at 4:00 p.m), counsel for each party must send me a letter, marked "CONFIDENTIAL MATERIAL FOR USE AT SETTLEMENT CONFERENCE," which need not be served on the other parties. This ex parte letter must not exceed five pages. It should state (1) the history of settlement negotiations; (2) your evaluation of the settlement value of the case and the rationale for it (your confidential "bottom line," not simply an "opening bid"); and (3) any other facts that would be helpful to the mediator in preparation for the conference. To assure receipt before the deadline, I recommend that you send this letter to me by fax -- to 212-805-6181.

4. The parties -- not just the attorneys -- must attend in person. This is essential to the mediation process. It is important that parties hear the adversary's presentation and have the opportunity to speak with the mediator outside the presence of any adversary. If a party lives more than 100 miles from New York City, I will sometimes excuse that party's presence but I will at least require that party to be available by telephone throughout the 3-hour period of a typical settlement conference. Corporate parties or labor unions must send the person with decision-making authority who gives directions to the attorney of record. Where liability insurance is involved, a decision-making representative of each carrier must attend in addition to the insured. This includes each excess carrier unless specifically excused by me at least one week before the conference. Where any government agency is a party, the attorney of record must be accompanied by a knowledgeable representative from the agency.

5. If a party fails to come to the settlement conference with all the required persons (attorney, plus a decision-making employee from the client, plus a decision-making representative from each insurance carrier), that party may be required to reimburse all the

other parties for their time and travel expenses.

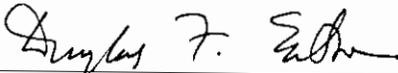
6. The conference takes place in Courtroom 18A at 500 Pearl Street. Each attorney must be prepared to address the group and me for about 5 minutes, summarizing (1) the most important issues of fact and law, (2) the most recent offer or demand communicated to adverse counsel, and (3) any other matters that may help settlement. The merits of the case are relevant to settlement value, but settlement conferences are not adjudicatory in nature; discussions of legal issues should be simple and straightforward, so that you are clear to your adversary's client.

7. I will also meet separately with each side. In these meetings, the parties and their counsel should be prepared to discuss the reasons for their stated position, the amount of attorneys' fees and litigation expenses incurred to date, and an estimate of the cost of litigating the case to judgment.

8. Telephone requests for adjournment are not entertained. A request for adjournment must, if at all possible, be in the form of a joint letter from the attorneys for all the parties, and must, if at all possible, suggest two alternative dates when all the attorneys and all the clients will be available. In any event, a request for adjournment is inoperative unless it mentions the position of each party with respect to the requested adjournment.

9. Except for the ex parte letter pursuant to ¶ 3, all communications with me or my chambers regarding a pending case must be in writing, with copies to all counsel of record sent by means no less expeditious than that used to communicate with my chambers.

10. If all the parties advise me in writing that the case settled prior to the scheduled conference, I will grant one adjournment of up to two weeks to a date certain. On that date, the parties must attend unless they have filed a stipulation of dismissal with the district judge.



DOUGLAS F. EATON
United States Magistrate Judge

October 31, 2005

Please complete this form, sign it, and send it to:

Mrs. Helen Lewis
Courtroom Deputy to Douglas F. Eaton
United States Magistrate Judge
500 Pearl Street, New York, NY 10007
fax number (212) 805-6181 (fax is preferable).

1. I acknowledge that my client and I must attend a settlement conference in Courtroom 18A at 500 Pearl Street on

_____, 2008 at _____ o'clock.

a. The name of my client(s) who will attend the conference is (are) _____.

Name Title

(You must fill in "a" even if the client wishes to "attend" by telephone. If the client is not an individual, supply the name and title of the employee who will attend.)

b. My client will "attend" by telephone, if Judge Eaton approves, because (CHECK ONE): _____ I hereby certify that my client lives more than 100 miles from New York City. _____ My client is not an individual, and I hereby certify that no knowledgeable employee of my client or of an affiliate of my client lives within 100 miles of New York City. I acknowledge that "attending" by telephone means that my client must keep his telephone clear for the entire 3 hours of the conference, and must answer **PROMPTLY** if called; if not, the client may be required to pay costs and attorneys' fees.

2. The names of the defendants' insurance carriers are:

_____. The names of the employees of each carrier who will attend the conference are: _____.

3. I acknowledge receiving a copy of the 2-page Standing Order applicable to all cases referred for settlement to Judge Eaton. I acknowledge that I must fax an ex parte confidential letter to Judge Eaton the week before the conference.

Attorney's Name (please print and sign)

Name of first-named plaintiff: _____

Name of first-named defendant: _____

Name of the party represented by me: _____

Docket Number: _____