

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

JENNIFER ECKLUND,

Plaintiff,

v.

BAILEY ET AL,

Defendants.

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CIVIL ACTION NO. 4:18-CV-00359

**ORDER REGARDING SCHEDULED MEDIATION**

A mediation in the above captioned case is scheduled before United States Magistrate Judge Christine A. Nowak on ***Tuesday, April 9, 2019, at 9:00 a.m.*** The mediation will be held in the U.S. Courthouse Annex, 200 North Travis Street, Mezzanine Level, Sherman, Texas and shall be attended by an authorized representative of each party, together with trial counsel for each party, if applicable. Failure to produce the appropriate persons at the mediation may result in an award of costs and attorney fees incurred by the other parties in connection with the mediation and/or other sanctions against the noncomplying party and/or counsel.

No later than **5:00 p.m. on April 2, 2019**, each of the Parties shall submit their confidential mediation statements to the magistrate judge. The mediation statement shall not become part of the file of the case, but shall be for the exclusive use of the magistrate judge in preparing for and conducting the mediation. The mediation statement shall be no longer than seven (7) pages (excluding attachments).

The mediation statement should contain a specific recitation of any relevant facts, as well as a discussion of the strengths and weaknesses of the parties' respective positions. The parties are directed to be candid in their statements. Legal arguments should not be included unless they

are critical to the evaluation or settlement of the case. In addition, the parties are requested to state their position on settlement, including a present settlement proposal, and a report on the history of all settlement efforts to date. A copy of all offers and demands made to date in this matter should be attached to the mediation statement. Copies of any agreements, business records, photographs or other documents or exhibits may also be attached to the mediation statement if critical to the negotiations.

No later than **April 2, 2019**, Plaintiff's counsel shall submit a written settlement demand to Defendant (and/or its counsel) with a brief explanation of why such a settlement is appropriate. No later than **April 5, 2019**, Defendant shall respond to such offer and submit a written offer to Plaintiff's counsel with a brief explanation of why such a settlement is appropriate. These steps will enable the mediation to progress more expeditiously. As set for the above, a copy of all offers and demands made to date in this matter should be provided to the magistrate judge prior to the start of mediation.

The statements and settlement demand and offer should not be filed with the Clerk of Courts, but should be mailed or emailed to the chambers of the magistrate judge. Copies of the mediation statement should not be provided to the other parties in the case. Neither the mediation statements nor the settlement demand and offer will become part of the case docket. The statements may be emailed to Judge Nowak's Courtroom Deputy: Karen\_R\_Lee@txed.uscourts.gov.

A premediation telephone conference is scheduled for **April 8, 2019, at 3:00 p.m.** Counsel shall call into the conference by dialing 1-877-336-1839 and entering an access code of 5754049#. Participants are directed to call this number no later than 2:55 p.m.

**IT IS SO ORDERED.**

**SIGNED this 19th day of March, 2019.**



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Christine A. Nowak  
UNITED STATES MAGISTRATE JUDGE