

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:21-CV-469-FL

HUMAN RIGHTS DEFENSE CENTER,)
))
Plaintiff,)
))
v.)
))
TODD ISHEE, in his official capacity, TIM)
MOOSE, in his individual and official)
capacities; DARCELL CARTER, in his)
individual and official capacities, LARRY)
DUNSTON, in his individual and official)
capacities, GARY BLEEKER, in his)
individual and official capacities,)
ZACHARY KENDALL, in his individual)
and official capacities, WENDY HARDY,)
SHANE THARRINGTON, and NORTH)
CAROLINA DEPARTMENT OF ADULT)
CORRECTION,)
))
Defendants.)

ORDER

This case comes before the court pursuant to the order of United States District Judge Louis W. Flanagan entered April 19, 2024 [DE-93], requiring plaintiff and defendants to attend a court-hosted settlement conference before the undersigned. Pursuant to the information from the parties regarding their availability as stated in the telephonic hearing held before the undersigned on May 5, 2024, the court-hosted settlement conference shall be subject to the following arrangements:

1. The conference will be held on **June 26, 2024**, in the Terry Sanford Federal Building and Courthouse, 310 New Bern Avenue, Raleigh, North Carolina, **beginning at 10:00 a.m.** in the Sixth Floor Courtroom.
2. The persons specified in Local Civil Rule 101.2(d), E.D.N.C. shall attend the conference in person. All persons should be prepared to be available for the entire day, including

beyond the end of normal business hours, if necessary. An appropriate motion shall be filed with the court no later than **June 21, 2024**, if any of the foregoing persons seeks to be excused from attendance in person. The motion shall state the position of each of the other parties with respect to the motion. **Failure to attend in person without the court's prior permission can result in the imposition of sanctions.**

3. The purpose of the settlement conference is to facilitate settlement of the case, if that is appropriate. The settlement conference will be conducted in such a manner as not to prejudice any party in the event settlement is not reached. Notwithstanding the provisions of Rule 408 of the Federal Rules of Evidence, all statements made by the parties relating to the substance or merits of the case, whether written or oral, made for the first time during the settlement conference, shall be deemed to be confidential and shall not be admissible in evidence for any reason in the trial of the case, should the case not settle. This provision does not preclude admissibility in other contexts, such as pertaining to a motion for sanctions regarding the settlement conference. To that end, all matters communicated to the undersigned in confidence will remain confidential, and will not be disclosed to any other party or to the trial judge. The undersigned will not serve as the trial judge in this case.

4. Parties shall each submit a confidential statement of their respective positions on the issues that are the subject of the settlement conference to the undersigned by **June 21, 2024, 2024**. Statements should not be filed with the court and need not be served on other parties, but shall be submitted directly to the chambers of the undersigned Magistrate Judge by e-mail to **Documents_USMJ_Meyers@nced.uscourts.gov**.¹ Such statements should not exceed four (4)

¹ This is a receipt-only email address and should not be used for any other correspondence with the court.

pages, and should include a concise statement of: (1) the factual issues; (2) relevant issues of law; (3) damages; and (4) settlement negotiation history of the case. All matters disclosed in settlement statements are confidential and may not be disclosed to the trial judge or used in any way should the case not settle.

5. The settlement conference shall be governed by the provisions of Local Civil Rule 101.2, E.D.N.C., except to the extent modified herein.

6. The undersigned notes that defendants' consent motion for extension of time references potential discussions between the parties regarding "a global settlement" in this matter. *See* [DE-98] at 2. Given these potential ongoing discussions, to the extent the parties believe that a telephonic hearing prior to the June 26, 2024 settlement conference would facilitate or benefit ongoing negotiations, the undersigned is available to do so upon the joint request of the parties.

SO ORDERED, this 20th day of May, 2024.

A handwritten signature in black ink, appearing to read 'BS Meyers', written over a horizontal line.

Brian S. Meyers
United States Magistrate Judge