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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Arizona Alliance for Retired Americans,  
Voto Latino,  
  
Plaintiffs,  
  
v.  
  
Clean Elections USA, et al.,  
  
Defendants.

No. CV 22-01823 PHX MTL  
consolidated with  
No. CV 22-8196 PCT MTL

**ORDER**

League of Women Voters of Arizona,  
  
Plaintiff,  
  
v.  
  
Lions of Liberty, LLC, et al.,  
  
Defendants.

This matter was referred to the undersigned Magistrate Judge for the purpose of conducting a settlement conference. (ECF No. 83).

Rule 408 of the Federal Rules of Evidence applies to all aspects of the settlement conference. All communications and information exchanges made in the settlement process, not otherwise discoverable, will not be admissible in evidence for any purpose. All matters communicated expressly in confidence to the settlement judge will be kept confidential and will not be disclosed to any other party. At the conclusion of the settlement

1 conference, all documents submitted by the parties will be returned, destroyed, or otherwise  
2 disposed of in the manner directed by the settlement judge.

3 Pursuant to Rule 16, Federal Rules of Civil Procedure, and 28 U.S.C. § 473(B)(5),

4 **IT IS ORDERED that** all parties and their counsel shall physically appear before  
5 United States Magistrate Judge Camille Bibles, at her chambers at 123 N. San Francisco,  
6 Suite 200, Flagstaff, Arizona, on **Tuesday, April 18, 2023, at 10:00 a.m.** The Court has  
7 allocated a minimum of **six** hours for the Settlement Conference; however, if meaningful  
8 progress is being made the conference will continue until either the case settles or  
9 meaningful progress is no longer being made.

10 Counsel who will be responsible for trial of the lawsuit for each party must  
11 personally appear and participate in the Settlement Conference. Additionally,  
12 representatives of the parties with full, complete, and unlimited authority to discuss and  
13 settle the case must be telephonically present unless expressly excused by timely motion  
14 and an order issued prior to the Settlement Conference. Motions to be excused will only be  
15 granted upon a showing of good cause.

16 If any defendant is an insured party, a representative of that party's insurer with full,  
17 complete, and unlimited authority to discuss and settle the case **MUST** physically appear  
18 at the Settlement Conference. An uninsured or self-insured corporation, association,  
19 partnership, business entity, organization, governmental agency, or political body **MUST**  
20 telephonically appear at the Settlement Conference through its authorized representative  
21 with full, complete, and unlimited authority to discuss and settle the case.<sup>1</sup>

22 Additionally, counsel for the parties shall participate in a **very brief** conference call  
23 with the settlement judge on **Thursday, April 6, 2023, at 12:00 p.m.**, at which time  
24 counsel and the settlement judge will address procedural matters to facilitate the Settlement  
25 Conference. Counsel will be provided call-in instructions via email.

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26 <sup>1</sup> The requirement that a representative physically appear with full, complete, and unlimited  
27 authority is only satisfied where the representative is the decision-maker with full authority to  
28 settle the matter; for a party asserting a claim, this means full authority to stipulate to dismissal  
and release of all claims; for a party defending a claim, this means full authority to satisfy the  
opposing party's existing settlement demand or offer.

1 Before participating in the Settlement Conference, the parties must negotiate and  
2 make a good faith effort to settle the case without the settlement judge's involvement. The  
3 parties shall exchange written correspondence regarding settlement. **Plaintiff's demand**  
4 **must be delivered to defense counsel at least twenty-one (21) days before the**  
5 **Settlement Conference, i.e., no later than March 28, 2023. Defendants' responses to**  
6 **the demand must be delivered to Plaintiff's counsel at least fourteen (14) days before**  
7 **the Settlement Conference, i.e., no later than April 4, 2023.**

8 Each party must provide the settlement judge with a confidential Settlement  
9 Conference Memorandum **at least fourteen days before the Settlement Conference, i.e.,**  
10 **no later than April 4, 2023.** The parties may deliver their memoranda to chambers at 123  
11 N. San Francisco Street, Suite 200, Flagstaff, Arizona, 86001, or submit them by facsimile  
12 (928-774-2586), or by electronic mail ([bibles\\_chambers@azd.uscourts.gov](mailto:bibles_chambers@azd.uscourts.gov)). Each party's  
13 Settlement Conference Memorandum must not exceed **seventeen (17)** pages exclusive of  
14 attachments, and must otherwise comply with the Rules of Practice for the District Court.  
15 *See* Local Rules of Civil Procedure 7.1 & 7.2. No responsive memoranda shall be  
16 permitted. **If a party's memorandum and any exhibits exceed twenty-five (25) pages,**  
17 **a hard copy or the memorandum and exhibits must be delivered to chambers. The**  
18 **confidential Settlement Conference Memoranda must NOT be filed with the Clerk of**  
19 **the Court and should NOT be exchanged with any party involved in this matter.**

20 The memoranda shall include the following information:

21 (1) A brief statement of the facts of the case.

22 (2) A brief statement of the claims or defenses as appropriate for the party, i.e.,  
23 statutory or other grounds upon which the claims or defenses are founded, including the  
24 citation to the appropriate authorities, a forthright evaluation of the parties' likelihood of  
25 prevailing on the claims and defenses, and a description of the major issues in dispute.

26 (3) A summary of the proceedings to date including rulings on motions and pending  
27 motions, if any.

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1 (4) An estimate of the costs and time to be expended for further discovery, pretrial  
2 litigation and trial, including past and future attorneys' and experts' fees.

3 (5) A brief statement of the facts and issues upon which the parties agree.

4 (6) Whether there are any distinct or dominant issues which, if resolved, would  
5 likely aid in the disposition of the case.

6 (7) The relief sought.

7 (8) Each party's position on settlement, including present demands and offers and  
8 the history of past settlement discussions, offers, and demands.

9 (9) The party's thoughts as to what the Magistrate Judge may best do to facilitate a  
10 resolution in this case.

11 (10) The name and title of each individual who will appear at the settlement  
12 conference. Individuals not named in a party's settlement conference memorandum will  
13 not be allowed at the settlement conference.

14 If any party believes that the Settlement Conference would be futile and would result  
15 in economic waste because, for example, a party or insurer has adopted a position from  
16 which they refuse to deviate, they must notify the Court in writing at least seven days before  
17 the Settlement Conference. The settlement judge will consider whether the Settlement  
18 Conference would be helpful and, if not, whether the Settlement Conference should be  
19 cancelled. If there is disagreement between the attorneys or unrepresented parties on this  
20 issue, they must arrange for a telephonic conference with the Court and all counsel as soon  
21 as reasonably practical. If no such conference is arranged, the Court will presume that all  
22 counsel, their clients, and any unrepresented party believe that there is a reasonable, good  
23 faith opportunity for settlement, and that the involvement of a settlement judge is needed  
24 to accomplish a settlement.

25 Absent good cause shown, if any party, counsel, or representative fails to promptly  
26 appear at the Settlement Conference, fails to comply with the terms of this Order, is  
27 substantially unprepared to meaningfully participate in the Settlement Conference, or fails  
28 to participate in good faith in the Settlement Conference, sanctions may be imposed

1 pursuant to Rules 16(f) and 37(b)(2)(D) of the Federal Rules of Civil Procedure, which  
2 may include an award of reasonable attorney's fees and expenses and a finding of  
3 contempt. *See* 28 U.S.C. § 636(e).

4 Dated this 14th day of February, 2023.

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Camille D. Bibles  
United States Magistrate Judge

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