

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
CHARLES B. DAY
UNITED STATES MAGISTRATE JUDGE

U.S. COURTHOUSE
6500 CHERRYWOOD LANE
GREENBELT, MARYLAND 20770
(301) 344-0393

January 8, 2021

Via Electronic Filing

To: Counsel of Record

Re: Jennifer Eller v. Prince George's County Public Schools, et al.
Civil Action No. TDC-18-3649

Dear Counsel:

Please be advised that a settlement conference in the above-captioned case has been scheduled for **Friday, April 16, 2021 at 9:30 a.m.** It is essential that the parties, or in the case of a corporation or partnership, an officer or other representative with complete authority to enter into a binding settlement, be present in person. Attendance by the attorney for a party is not sufficient. See Local Rule 607.3. Please also be advised that the conference may take the entire day.

In light of the COVID-19 pandemic, our Settlement Conference will be a **virtual mediation session**. Instructions on how the settlement conference will be conducted will be provided after receipt of ex parte letter (described more fully below).

No later than **Friday, April 9, 2021 by 12:00 noon**, I would like to receive from each party a short letter via e-mail (mdd_CBDChambers@mdd.uscourts.gov) candidly setting forth the following:

1. Facts you believe you can prove at trial;
2. The major weaknesses in each side's case, both factual and legal;
3. An evaluation of the maximum and minimum damage awards you believe likely;
4. The history of any settlement negotiations to date; and
5. Estimate of attorney's fees and costs of litigation through trial; and
6. The number of attendees you expect to have at the conference.

The letters may be submitted ex parte and will be solely for my use in preparing for the settlement conference. I also will review the pleadings in the court file. Additionally, if you want me to review any case authorities that you believe are critical to your evaluation of the case,

Eller v. Pr. Geo. Co., et al.

January 8, 2021

Page 2

please identify. If you want me to review any exhibits or deposition excerpts, please attach a copy to your letter.¹

In preparation for the conference, Plaintiff shall submit a written demand to the Defendant no later than **10 business days** prior to the conference. Defendant shall submit a written offer to the Plaintiff no later than **5 business days** prior to the conference. All exchanges between the parties shall be via facsimile or e-mail, with a courtesy copy e-mailed to Chambers at the time of the exchange. **Failure to comply without justification may result in the imposition of sanctions.** The settlement conference process will be confidential and disclosure of confidential dispute resolution communications is prohibited. *See* 28 U.S.C. § 652(d); Local Rule 607.4.

Notwithstanding the informal nature of this letter, it is an Order of the Court and the Clerk is directed to docket it as such.

Very truly yours,

/s/

Charles B. Day
United States Magistrate Judge

¹ Please note that the American Bar Association Standing Committee on Ethics and Professional Responsibility has issued a Formal Opinion (No. 93-370) that precludes a lawyer, ABSENT INFORMED CLIENT CONSENT, from revealing to a judge the limits of the lawyer's settlement authority or the lawyer's advice to the client regarding settlement. The opinion does not preclude a judge, in seeking to facilitate a settlement, from inquiring into those matters. Therefore, please discuss these items with your client before appearing for the settlement conference.