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# United States District Court

----- DISTRICT OF SOUTH DAKOTA -----

WESTERN DIVISION

OGLALA SIOUX TRIBE,

CASE NO.: CV 07-05024

Plaintiff,

vs.

**NOTICE OF SETTLEMENT  
CONFERENCE AND SETTLEMENT  
CONFERENCE ORDER.**

C & W ENTERPRISES, INC.,

Defendant.

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TO ALL PARTIES AND COUNSEL OF RECORD:

This matter came before the Court by reference from the United States District Court and the consent of both parties. You are hereby notified that said settlement conference is scheduled for the 22<sup>nd</sup> day of August, 2007, at 9:00 a.m. at the Federal Courthouse, 515 9<sup>th</sup> Street, Room 312, Rapid City, South Dakota.

IT IS ORDERED that the attorneys who will try the case shall appear in person at the settlement conference with the parties having full authority to evaluate, negotiate, and settle the case on any terms. Further, any subrogated interests must be contacted prior to the settlement conference and have submitted, in writing, their position on negotiation of their claim. An authorized representative of any and all subrogated interests shall be available, either in person or by telephone, during the settlement conference.

IT IS FURTHER ORDERED that the attorneys will exchange all documents identified in their Form 35 Report and as contemplated by Rule 16 prior to the date on which the settlement conference is scheduled.

IT IS FURTHER ORDERED that by noon on the 17<sup>th</sup> day of August, 2007, each party shall deliver to the undersigned magistrate judge at her chambers at 515 9<sup>th</sup> Street, Room 312, Rapid City, South Dakota, or by mail, a confidential settlement conference statement, which may not be filed with the Clerk of Courts, nor served upon the other party.

The confidential settlement conference statement shall include the following:

1. A brief statement of the facts of the case;
2. A brief statement of the claims and defenses, including a forthright evaluation of the parties' likelihood of prevailing on the claims and defenses, and a description of the major issues in dispute;
3. An estimate of the cost and time to be expended for trial;
4. The relief sought;
5. The party's position on settlement, including present demands and offers and history of past settlement discussions, offers, and demands; and
6. Any other evidence, including depositions or trial exhibits, that counsel believe would be useful to the magistrate judge in analyzing the case.

Any failure by the trial attorneys, parties, or persons with authority to settle to attend the conference will result in sanctions to include fees and costs expended by the other party in preparing for and attending the conference. Failure to timely deliver a confidential settlement statement may result in sanctions.

Dated this 13<sup>th</sup> day of August, 2007.

BY THE COURT:

*/s/ Veronica L. Duffy*

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VERONICA L. DUFFY  
UNITED STATES MAGISTRATE JUDGE