IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

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U.S. DISTRICT COURT
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TX EASTERN-BEAUMONT
BY Barbara Wicks

## STANDING ORDER MC-41 SETTLEMENTS AND ORDERS OF DISMISSAL

The following standing order is hereby ADOPTED:

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### (a) SETTLEMENTS

(1) The parties in every civil action must make a good faith effort to settle the case. Settlement negotiations shall be entered into at the earliest possible time, well in advance of any pretrial conference.

(2) The court, upon motion by a party or *sua sponte*, may order mediation if deemed appropriate.

(3) The court will be available for settlement discussions. In nonjury cases, the court will not discuss settlement figures except upon request and approval of all concerned parties.

(4) **Counsel shall immediately notify the court administrator of the settlement of any case with pending motions or set for conference, hearing, or trial**.

(5) Announcement of settlement must be followed by the closing papers within thirty (30) days.

(6) Upon settlement of a suit involving a minor plaintiff, counsel shall jointly move for appointment of a guardian *ad litem* if there is a potential conflict of interest between the parent(s) and the minor. If counsel cannot agree on a guardian *ad litem*, each counsel shall submit the names of three proposed *ad litems*, and the court will appoint one guardian *ad litem* from the list. With the motion for appointment, counsel will notify the court administrator by letter requesting a settlement conference.

(7) Prior to the conference, counsel shall furnish the court a copy of the proposed final judgment and any additional information that counsel feel might be helpful to the court in approving the settlement. Any motion by the guardian *ad litem* requesting that funds be placed in the registry of the court must be filed prior to the conference and approved by the Finance Administrator of the Clerk's office.

(8) All counsel and parties must attend the conference unless excused for good cause shown.

**(b) ORDERS OF DISMISSAL**

In the absence of a showing of good cause, any defendant upon whom service has not been perfected within 120 days after the complaint is filed will be dismissed from the case without prejudice for want of prosecution in accordance with FED. R. CIV. P. 4(m) and Local Rule CV-41.

This order applies to all pending cases and to those filed on or after the date of this order.

Signed at Beaumont, Texas, the 28th day of February, 2005.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE