

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SHIRLEY TROTTER and ERNIE TROTTER,)
)
Plaintiffs,)
)
v.) Case No. 3:05-cv-205-MJR
)
B & W CARTAGE COMPANY, INC.,)
)
Defendant.)

ORDER

This matter was before the Court on March 23, 2006 for a settlement conference.

Attorneys Mark Schuver, William Niehoff and Kevin Stine appeared for the plaintiffs. Shirley and Ernie Trotter, were also present. Attorneys Michael Lawder and Jonathan Meneuz appeared for the defendant, B & W Cartage.

The Court finds that the defendant, B & W Cartage Company did not bring the necessary parties to the settlement conference per the Court's Standing Orders and the Court's Notice of Settlement Conference dated June 13, 2005 (Doc. 17). The Court finds that beside the parties present in Court on March 23, 2006 (Allison Walls (ACE), Phillips Rogers (CNA) and Steve Foley (B & W Cartage), a representative with ACE Insurance Company's Excess Carrier is also a necessary party. Because of the failure of a representative of Ace Excess Carrier to be present in Court on March 23, 2006, the Court finds B & W Cartage in violation of the Court's Orders referenced above.

Accordingly, the Court Orders Plaintiffs to submit a bill of costs for its expenses in preparing for and attending the settlement conference of March 23, 2006. Plaintiffs shall submit their bill of costs to the Court by March 31, 2006. The Court will access reasonable costs to the

defendant.

The settlement conference is RESET for April 14, 2006 at 9:00 a.m.

DATED: March 24, 2006.

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge