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10 Attorneys for Plaintiff

11 **UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 SWA Painting, Inc.,

14 Plaintiff,

15 vs.

16 Golden Eagle Insurance Corporation;
17 Does 1-100; XYZ Corporations 1-100;
18 Black and White Business Entities 1-100,,

19 Defendants.

20 NO. CIV-03-2364-PHX-DGC

21 **PLAINTIFF'S REQUEST FOR**
22 **APPOINTMENT OF MAGISTRATE**

23 Plaintiff SWA Painting, Inc., through undersigned counsel, hereby requests
24 this Court appoint a Magistrate or other master to conduct a settlement conference between
25 the parties pursuant to Rule 53, *Fed. R. Civ. P.*. This Motion is supported by the following
26 Memorandum of Points and Authorities and the entire record herein.

27 **MEMORANDUM OF POINTS AND AUTHORITIES**

28 Pursuant to this Court's order at the October 26 evidentiary hearing, Plaintiff
29 SWA Painting, Inc. has attempted in good faith to discuss settlement with Defendant Golden
30 Eagle. (*See* Correspondence of Michael J. Ryan, dated November 16, 2005, attached as
31 Exhibit 1) In addition to the above correspondence, undersigned counsel has contacted
32 defense counsel on several occasions to discuss settlement. Plaintiff's counsel was informed
33 today that Golden Eagle refuses to make any kind of counter-demand. Plaintiff's counsel

1 has reason to believe this case might be settled if Golden Eagle were required to participate
2 in good faith in a settlement conference.

3 For that reason, therefore, Plaintiff's counsel respectfully requests this Court
4 appoint a Magistrate Judge to conduct a settlement conference between the parties. In
5 addition, undersigned counsel respectfully requests this Court compel the attendance of a
6 Golden Eagle representative with settlement authority.

7 RESPECTFULLY SUBMITTED this 12th day of December, 2005.

8 BROENING OBERG WOODS & WILSON, P.C.

9
10 By _____/s/_____

11 Michael J. Ryan
12 Carrie H. Smith
13 1630 South Stapley Drive
14 Suite 210
15 Mesa, Arizona 85204
16 Counsel for Plaintiff

17 COPY mailed this _____ day of
18 December, 2005, to:

19 Donald L. Myles, Jr.
20 Jones Skelton & Hochuli, P.L.C.
21 2901 North Central Avenue
22 Suite 800
23 Phoenix, Arizona 85012
24 Attorneys for Defendant

25 COURTESY COPY mailed this _____
26 day of _____, 2004, to:

Terry A. Dake, Ltd.
11811 North Tatum Blvd.
Suite 3031
Phoenix, Arizona 85028-1621

By _____

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