

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GARNET TURNER, ET AL., individually)
and on behalf of all others)
similarly situated,)

Plaintiffs,)

CASE NO. 2:13-CV-685-WKW

ALLSTATE INSURANCE COMPANY,)

Defendant.)

JOHN E. KLAAS)
on behalf of himself and all others)
similarly situated, et al.,)

CASE NO. 2:15-CV-406-WKW

Plaintiffs,)

v.)

ALLSTATE INSURANCE COMPANY,)

Defendant.)

JOINT STATUS REPORT

A. Joint Report

Pursuant to the Court’s July 18, 2016 Order (Doc. 104), Plaintiffs and Defendants (collectively, the “Parties”) hereby submit this Joint Status Report, with additional unilateral reports identified in sections B and C, regarding the mediation process.

1. In April 2016, the Court stayed this case to allow the Parties to mediate these cases. On May 23, 2016, the Parties met for an initial mediation session at the Chicago offices of JAMS. The session was conducted by the Hon. Morton Denlow (Ret.), former Magistrate Judge for the U.S. District Court for the Northern District of Illinois. The mediation session

lasted for more than eight hours. The mediation followed an exchange of information and documentation.

2. The Parties previously met and conferred, and on February 22, 2016 filed a Report of the Parties' Planning Meetings pursuant to Fed. R. Civ. P. 26(f) ("Report") (Doc. 96), which provided proposed schedules for the remainder of the litigation. The Parties entered into mediation before a Rule 16 scheduling conference was held or any order on the Report was entered. The Parties will confer to submit an updated Report but anticipate that they will need Court assistance.

B. Allstate's Report

3. The Parties have given careful consideration to possible resolution and participated in (i) pre-mediation calls with Judge Denlow on April 13 and May 13, (ii) the mediation on May 23, and (iii) further conference calls on June 22 and July 21 with Judge Denlow to discuss whether settlement appeared feasible.

4. While Allstate believes the Parties made progress in understanding each others' positions and gave careful consideration to possible resolution, the Parties are currently unable to resolve these actions through mediation.

5. Allstate disagrees with plaintiffs' recitation of events relating to the mediation set forth in section C below. The JAMS mediation agreement executed by all Parties provides that the entire mediation process is confidential and statements will not be disclosed. In light of this limitation Allstate respectfully submits that, if the Court has any questions about the mediation, Judge Denlow can provide a neutral perspective on the parties' conduct during the mediation. Judge Denlow's contact information is available online at <https://www.jamsadr.com/denlow/>. Allstate will respond more fully to the *Klaas* plaintiffs' assertions regarding the mediation in its

opposition to the *Klaas* plaintiffs' motion for sanctions filed last week.

6. The Court has already scheduled a status and scheduling conference for September 14, 2016. (Doc. 104 at 2.)

C. Plaintiffs' Report

7. Pursuant to Judge Denlow's instructions, both Plaintiffs served a mediation statement and settlement demand upon Allstate on May 2, 2016.
8. Allstate did not submit a response to the Plaintiffs' demands at the May 23, 2016 Mediation.
9. Following the mediation, the parties had a subsequent telephone conference with Judge Denlow to discuss progress on the mediation. A future mediation date in Chicago was scheduled for September 29, 2016.
10. On the May 23, 2016 call Allstate promised to provide a written response to Plaintiffs' demands by the end of July 2016.
11. At the behest of Allstate, a telephone conference call with the parties and Judge Denlow was scheduled for July 21, 2016. At that time, Allstate, through its counsel, advised that it would not be submitting a response to the Plaintiffs' settlement demands that had been conveyed to Allstate on May 2, 2016.
12. The Plaintiffs respectfully ask for an in person or telephonic status conference at the earliest convenient time for the Court as there are many outstanding issues and motions that Plaintiffs would respectfully like to discuss.

Dated: August 15, 2016

Respectfully submitted,

/s/Christopher B. Hood (w/consent)_____

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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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