

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN A. PATTERSON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 5:17-CV-00467
)	
DEFENSE POW/MIA ACCOUNTING)	
AGENCY, et al.,)	
)	
Defendants.)	

JOINT ALTERNATIVE DISPUTE RESOLUTION REPORT

Pursuant to Local Rule CV-88 and the Court’s February 5, 2018 Scheduling Order, ECF No. 23, the parties submit this joint report regarding alternative dispute resolution (ADR).

Persons Responsible for Settlement Negotiations. Lead counsel for each party, John Smithee for Plaintiffs and Galen Thorp for Defendants, are responsible for settlement negotiations for the parties.

Status of Settlement Negotiations. In October 2017, Defendants made a settlement offer, which Plaintiffs rejected on October 26, 2017. Since that time, the parties, through counsel, have discussed settlement on occasion. No formal settlement offer was proposed by Plaintiffs on June 29, 2018, and no responsive offer was proposed by Defendants on July 16, 2018.

Evaluation of Role of ADR. The parties agree that ADR processes would be unlikely to assist in the resolution of this case. Plaintiffs believe that they have a constitutionally protected right to bury the remains of their deceased family members. Defendants consider Plaintiffs’ legal claims to be unfounded and that deviation from the established standards and procedures for disinterment and DNA testing would be harmful to Defendants’ performance of their

mission. Accordingly, the parties anticipate that only judicial resolution of these claims is possible.

Dated: August 30, 2018

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of August, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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