

1 Mr. Stutts from personally attending the conference is **expressly conditioned** upon this occurring.²

2 Therefore, good cause appearing, the Court **ORDERS**:

3 1. Lowes' request for Mr. Stutts to be available by telephone, rather than personally
4 appearing at the settlement conference, is **GRANTED**. However, this order is expressly
5 conditioned upon Defendant conferring sufficient settlement authority on those who will appear at
6 the settlement conference. Defendant's failure to do so will result in the imposition of sanctions;

7 2. Mr. Stutts **SHALL** be available by telephone throughout the entire settlement
8 conference until excused by the Court.

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10 IT IS SO ORDERED.

11 Dated: **April 29, 2013**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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28 ²It is absolutely unacceptable for every offer/counteroffer to have to be telecommunicated to an absent party before a response can be formulated and counsel are admonished that this will not be tolerated.