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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARYLAND CASUALTY COMPANY

No. C-11-05640 YGR (DMR)

Plaintiff(s),

**ORDER RE ATTENDANCE AT
SETTLEMENT CONFERENCE**

v.

AVALON MANAGEMENT LLC

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

A settlement conference in this matter is set before the undersigned on May 24, 2013 at 10:00 a.m. By letter dated May 21, 2013, counsel for Intervenor Sequoia Insurance Company and Defendants Tiburon Hospitality, LLC, Tiburon Barstow, LLC and Tiburon Capital, LLC (“the Tiburon entities”) requested that the court excuse William Dixon, Jr., the Tiburon entities’ representative, at lunchtime on May 24 due to a family medical emergency. [Docket No. 109.] Counsel represented that during the time that Mr. Dixon will be on an airplane and thus unavailable, Laura Ball, an employee of the Tiburon entities, will be available to participate in the settlement conference by telephone. Counsel further represented that Ms. Ball has full settlement authority to resolve this matter. Plaintiff Maryland Casualty Company had no objection to this request. [Docket No. 110.]

Upon consideration, the court grants the request. However, the court does not grant permission for Ms. Ball to appear by telephone. Both Mr. Dixon **and** Ms. Ball shall **personally** appear at the settlement conference starting at 10:00 a.m. Ms. Ball shall be prepared to devote the entire day to the settlement conference, if necessary. Mr. Dixon may be excused at lunchtime.

The court notes that it requires lead trial counsel to appear at the settlement conference with the person(s) having full authority to make the final decision as to whether any settlement offer is

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made, accepted, or rejected. The court emphasizes that if Ms. Ball has to make a phone call in order to make a settlement decision, she does not possess the requisite “full authority.”

IT IS SO ORDERED.

Dated: May 22, 2013

