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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CHARLOTTE TRIPP, an individual,)	Civil No. 07cv865 J (NLS)
)	
Plaintiff,)	NOTICE AND ORDER SETTING
v.)	EARLY NEUTRAL EVALUATION
)	CONFERENCE
SATURN CORPORATION, a business entity)	
of unknown form, and DOES 1-30, inclusive,)	
)	
Defendants.)	
_____)	

IT IS HEREBY ORDERED that an Early Neutral Evaluation of your case will be held on **June 25, 2007 at 2:00 p.m.** in the Chambers of Magistrate Judge Nita L. Stormes, United States Courthouse, 940 Front Street, Room 1118, San Diego, California 92101.

The following are mandatory guidelines for the parties preparing for the Early Neutral Evaluation Conference.

- Purpose of Conference:** The purpose of the Early Neutral Evaluation Conference (“ENE”) is to permit an informal discussion between the attorneys, parties, and the settlement judge of every aspect of the lawsuit in an effort to achieve an early resolution of the case. All conference discussions will be informal, off the record, privileged and confidential. Counsel for any non-English speaking parties is responsible for arranging for the appearance of an interpreter at the conference.
- Personal Appearance of Parties Is Required:** All parties, adjusters for insured defendants, and other representatives of a party having full and complete authority to enter into a binding settlement, and the principal attorneys responsible for the litigation, must be present **in person**

1 and legally and factually prepared to discuss settlement of the case. Full authority to settle means that
2 the individuals at the ENE be authorized to fully explore settlement options and to agree at that time to
3 any settlement terms acceptable to the parties. *Heileman Brewing Co., Inc. v. Joseph Oat Corp.*, 871
4 F.2d 648, 653 (7th Cir. 1989). The person needs to have “unfettered discretion and authority” to change
5 the settlement position of a party. *Pitman v. Brinker Int’l, Inc.*, 216 F.R.D. 481, 485-486 (D. Ariz.
6 2003). One of the purposes of requiring a person with unlimited settlement authority to attend the
7 conference is that the person’s view of the case may be altered during the face-to-face conference.
8 *Pitman*, 216 F.R.D. at 486. Limited or sum certain authority is not adequate. *Nick v. Morgan’s Foods,*
9 *Inc.*, 270 F.3d 590, 595-597 (8th Cir. 2001). Counsel appearing without their clients (whether or not
10 counsel has been given settlement authority) will be cause for immediate imposition of sanctions and
11 will also result in the immediate termination of the conference.

12 3. **Full Settlement Authority Required:** In addition to counsel who will try the case, a
13 party or party representative with full settlement authority must be present for the conference. In the
14 case of a corporate entity, an authorized representative of the corporation who is not retained outside
15 counsel must be present and must have discretionary authority to commit the company to pay an amount
16 up to the amount of the plaintiff’s prayer (excluding punitive damage prayers). The purpose of this
17 requirement is to have representatives present who can settle the case during the course of the
18 conference without consulting a superior. Counsel for a government entity may be excused from this
19 requirement so long as the government attorney who attends the ENE conference (1) has primary
20 responsibility for handling the case; and (2) may negotiate settlement offers which the attorney is
21 willing to recommend to the government official having ultimate settlement authority.

22 4. **Confidential ENE Statements Required:** No later than three (3) court days prior to the
23 ENE, the parties shall submit confidential statements of five pages or less directly to the chambers of
24 Magistrate Judge Stormes outlining the nature of the case, the claims, and the defenses. These
25 statements shall not be filed or served on opposing counsel.

26 5. **New Parties Must Be Notified by Plaintiff’s Counsel:** Plaintiff’s counsel shall give
27 notice of the ENE to parties responding to the complaint after the date of this notice.

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