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

JOHN LAMBERT,)	Civil No.07cv1769 JM (NLS)
)	
Plaintiff,)	ORDER GRANTING DEFENDANT’S
v.)	EX PARTE APPLICATION TO
)	CONTINUE PRETRIAL AND TRIAL
L. ROBLES,)	PROCEEDINGS [Doc. No. 21]
)	***
Defendants.)	FIRST AMENDED SCHEDULING
_____)	ORDER REGULATING DISCOVERY
)	AND OTHER PRE-TRIAL
)	PROCEEDINGS

For good cause shown in Defendant’s application, the court **GRANTS** the ex parte application to continue certain pretrial and trial dates. Accordingly, the court **ORDERS**:

1. The telephonic Mandatory Settlement Conference currently set for July 7, 2009 with Magistrate Judge Nita L. Stormes is **VACATED** and **RESET** for **November 16, 2009 at 2:30 pm.** **Defense counsel shall make arrangements for incarcerated parties to appear telephonically.** Counsel or any party representing himself or herself shall submit confidential settlement briefs directly to chambers no later than **November 9, 2009.** Please see attached settlement conference procedures.
2. All pretrial motions must be filed on or before **August 28, 2009.**
3. Counsel and unrepresented parties shall comply with the pre-trial disclosure requirements of Federal Rule of Civil Procedure 26(a)(3) on or before **December 11, 2009.**
4. Counsel and unrepresented parties shall meet and take the action required by Local Rule 16.1(f)(4) on or before **December 18, 2009.**


1 5. The Proposed Final Pretrial Conference Order, including objections to any other parties'
2 Federal Rule 26(a)(3) Pretrial Disclosures shall be prepared, served and lodged with the Clerk of the
3 Court on or before **January 8, 2010**, and shall be in the form prescribed in and in compliance with
4 Local Rule 16.1(f)(6).

5 6. The final Pretrial Conference currently scheduled for August 14, 2009 at 8:30 a.m is
6 **VACATED** and **RESET** for **January 15, 2010 at 8:30 a.m.** on the calendar of Judge Miller. **The trial**
7 **is scheduled to commence on February 16, 2010 at 10:00 a.m.**

8 7. The discovery deadline remains July 27, 2009.

9 **IT IS SO ORDERED.**

10 DATED: July 2, 2009

11 
12 Hon. Nita L. Stormes
13 U.S. Magistrate Judge

1 CHAMBERS OF MAGISTRATE JUDGE NITA L. STORMES

2 SETTLEMENT CONFERENCE PROCEDURES

3 **ATTENDANCE:** All parties, adjusters for insured defendants, and other representatives of a party **having full**
4 **and complete authority to enter into a binding settlement**, and the principal attorneys responsible for the
5 litigation, must be present and legally and factually prepared to discuss settlement of the case. Full
6 authority to settle means that the individuals at the settlement conference be authorized to fully explore
7 settlement options and to agree at that time to any settlement terms acceptable to the parties. *Heileman*
8 *Brewing Co., Inc. v. Joseph Oat Corp.*, 871 F.2d 648, 653 (7th Cir. 1989). The person needs to have
9 “unfettered discretion and authority” to change the settlement position of a party. *Pitman v. Brinker Int’l,*
10 *Inc.*, 216 F.R.D. 481, 485-486 (D. Ariz. 2003). One of the purposes of requiring a person with unlimited
11 settlement authority to attend the conference is that the person’s view of the case may be altered during the
12 face-to-face conference. *Pitman*, 216 F.R.D. at 486. Limited or sum certain authority is not adequate. *Nick*
13 *v. Morgan’s Foods, Inc.*, 270 F.3d 590, 595-597 (8th Cir. 2001). Failure of any of the aforementioned to
14 appear **in person** will result in the imposition of sanctions. Where settlement authority rests with a
15 governing body, counsel shall propose special arrangements in advance for securing timely authority to
16 settle.

17 **SETTLEMENT CONFERENCE BRIEFS:** All parties are required to lodge a **confidential** settlement brief **three**
18 **court days** prior to the Settlement Conference. Settlement briefs should not exceed ten (10) pages in
19 length, double spaced, exclusive of exhibits, if any. Copies of all documents that might enhance the
20 productivity of negotiations (e.g., contracts, key correspondence or memos, reports of experts, photos,
21 medical bills, wage loss statements, selected pages from deposition transcripts or responses to other
22 discovery) should be attached as exhibits to the settlement briefs with significant portions highlighted for
23 easy reference. Parties may also attach as exhibits helpful judicial opinions and information about the
24 settlement or judgment value of comparable cases.

25 * * * *

26 **IN ADDITION TO THE ABOVE INFORMATION, EACH BRIEF**
27 **SHALL SET FORTH AT A MINIMUM, THE FOLLOWING**
28 **“REQUIRED” CONFIDENTIAL INFORMATION:**

* * * *

- 18 (1) A brief analysis of the key issues involved in the litigation;
- 19 (2) A description of the strongest and weakest legal and factual points in the party’s case;
- 20 (3) A description of the strongest and weakest legal and factual points in the opponent’s case;
- 21 (4) The status of any settlement negotiations, including the last settlement proposal made by each party; and
- 22 (5) The settlement proposal that the party is willing to make in order to conclude the matter and spare the further expense of litigation.

23 Parties should hand deliver, mail or email the **original only** of settlement briefs directly to chambers. FAX
24 briefs will not be accepted. Briefs must be **received in chambers** no later than **three (3) court days** before
25 the Settlement Conference. ***Settlement briefs are confidential and shall not be served on opposing parties***
26 ***nor shall they be filed with the Clerk of the Court.*** Briefs submitted by email should be sent to
27 efile_stormes@casd.uscourts.gov, and briefs submitted by mail should be sent to:

28
Honorable Nita L. Stormes
United States Magistrate Judge
U.S. Courthouse
940 Front Street, Room 1118
San Diego, California 92101-8921