

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

WILLIAM J. TUMA,	)	Civil No. 08-CV-792-BTM(CAB)
	)	
Plaintiff,	)	
	)	NOTICE AND ORDER FOR SETTLEMENT
v.	)	CONFERENCE
	)	
EATON CORPORATION,	)	
	)	
Defendant.	)	
_____	)	

IT IS HEREBY ORDERED that a Settlement Conference in your case will be held on December 10, 2010, at 2:00 P.M. before United States Magistrate Judge William V. Gallo, United States Courthouse, Courtroom F, First Floor, 940 Front Street, San Diego, California.

Pursuant to Rule 16.1(c) of the Local Rules of the United States District Court for the Southern District of California, both counsel and the parties who have full and unlimited authority<sup>1</sup> to negotiate and enter into a binding settlement shall appear in person at the conference and shall be prepared to discuss the claims, defenses, damages and settlement.

---

<sup>1</sup> "Full authority to settle" means that the individuals at the settlement conference must be authorized to fully explore settlement options and to agree at that time to any settlement terms acceptable to the parties. Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648 (7th Cir. 1989). The person needs to have "unfettered discretion and authority" to change the settlement position of a party. Pitman v. Brinker Intl., Inc., 216 F.R.D. 481, 485-486 (D. Ariz. 2003). The purpose of requiring a person with unlimited settlement authority to attend the conference includes that the person's view of the case may be altered during the face to face conference. Id. at 486. A limited or a sum certain of authority is not adequate. Nick v. Morgan's Foods, Inc., 270 F.3d 590 (8th Cir. 2001).

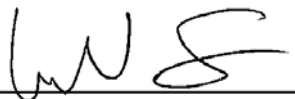
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Unless there are **extraordinary circumstances**, persons required to attend the conference pursuant to this Order shall not be excused from personal attendance. Requests for excuse from attendance for extraordinary circumstances shall be made in *writing* at least 48 hours prior to the conference. Where the suit involves the United States or one of its agencies, only counsel for the United States with full settlement authority need appear.

**The Court requires that the parties file Confidential Settlement Conference Statements.**

No later than **five court days prior to the Settlement Conference**, the parties shall submit directly to Judge Gallo's chambers confidential statements of five pages or less which outline the nature of the case, the claims, the defenses, and the parties' positions regarding settlement of the case. **Absent extraordinary circumstances, requests for continuances of the conference may not be considered *unless* submitted in *writing* no less than seven calendar days prior to the scheduled conference.** Questions regarding this case may be directed to the Magistrate Judge's Research Attorney at (619) 557-6384.

DATED: September 20, 2010

  
\_\_\_\_\_  
Hon. William V. Gallo  
U.S. Magistrate Judge