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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CENTER FOR BIOLOGICAL DIVERSITY,)	Case No. 09-CV-0051-JM (JMA)
)	
Plaintiff,)	ORDER PARTIALLY GRANTING JOINT
)	MOTION TO CONTINUE EARLY
v.)	NEUTRAL EVALUATION CONFERENCE
)	FOR THIRTY DAYS
)	
KENNETH L. SALAZAR, SECRETARY)	[Doc. 12]
OF THE INTERIOR; AND ROWAN)	
GOULD, DIRECTOR U.S. FISH AND)	
WILDLIFE SERVICE,)	
)	
Defendants.)	
)	
_____)	

This matter comes before the Court on the parties' joint motion to continue Early Neutral Evaluation Conference for thirty days. Good cause appearing, the Court **GRANTS** the parties' request to defer an in-person conference for thirty days. However, the Court will convene a telephonic conference prior to the in-person conference as follows:

1. A telephonic Early Neutral Evaluation Conference will be held on May 18, 2009 at 9:30 a.m. Counsel only for each party shall participate in the conference. The Court will initiate the conference call.

1 2. An in-person Settlement/Case Management Conference shall
2 be held on June 15, 2009 at 10:00 a.m. in the chambers of
3 Magistrate Judge Jan M. Adler, Room 1165, United States
4 Courthouse, 940 Front Street, San Diego, California. **All named**
5 **parties, all counsel, and any other person(s) whose authority is**
6 **required to negotiate and enter into settlement shall appear in**
7 **person at the conference. The individual(s) present at the**
8 **Settlement/Case Management Conference with settlement authority**
9 **must have the unfettered discretion and authority on behalf of**
10 **the party to: 1) fully explore all settlement options and to**
11 **agree during the conference to any settlement terms acceptable to**
12 **the party (*G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.*, 871**
13 **F.2d 648, 653 (7th Cir. 1989)), 2) change the settlement position**
14 **of a party during the course of the conference (*Pitman v. Brinker***
15 **Int'l, Inc., 216 F.R.D. 481, 485-86 (D. Ariz. 2003)), and 3)**
16 **negotiate a settlement without being restricted by any**
17 **predetermined level of authority (*Nick v. Morgan's Foods, Inc.*,**
18 **270 F.3d 590, 596 (8th Cir. 2001)).**

19 Governmental entities may appear through litigation counsel
20 only. As to all other parties, appearance by litigation counsel
21 only is not acceptable. Retained outside corporate counsel shall
22 not appear on behalf of a corporation as the party who has the
23 authority to negotiate and enter into a settlement. **The failure**
24 **of any counsel, party or authorized person to appear at the**
25 **Settlement/Case Management Conference as required shall be cause**
26 **for the immediate imposition of sanctions.** All conference

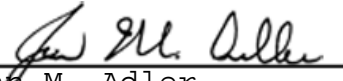
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1 discussions will be informal, off the record, privileged, and
2 confidential.

3 **IT IS SO ORDERED.**

4 DATED: April 24, 2009

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6 Jan M. Adler
7 U.S. Magistrate Judge
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