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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RAE ELLEN SIMMONS ADATTO,)	Civil No. 09-CV-2134-JM(WVG)
)	
Plaintiff,)	ORDER GRANTING JOINT MOTION TO
)	CONTINUE EARLY NEUTRAL
v.)	EVALUATION CONFERENCE
)	
SOUTHERN CALIFORNIA EDISON LONG)	
TERM DISABILITY PLAN,)	(Doc. No. 10)
)	
Defendant.)	
)	
_____)	

The Joint Motion To Continue Early Neutral Evaluation Conference is GRANTED in part and DENIED in part. On November 24, 2009, the Court set an Early Neutral Evaluation Conference ("ENE") for February 1, 2010 at 2:00 P.M. Plaintiff's counsel has been ordered to appear in court in an unrelated case during the time of the scheduled ENE. Consequently, Plaintiff and Defendant mutually agreed to petition this Court to reschedule the ENE. Accordingly, the Early Neutral Evaluation Conference set for February 1, 2010 at 2:00 P.M. is VACATED and RESET for **March 26, 2010 at 2:00 P.M.** in Courtroom F.

Pursuant to Rule 16.1(c) of the Local Rules of the United

1 States District Court for the Southern District of California, both
2 counsel and the parties who have full and unlimited authority to
3 negotiate and enter into a binding settlement shall appear in person
4 at the conference and shall be prepared to discuss the claims,
5 defenses, damages and settlement.

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

13 The Court requires that the parties file Confidential ENE
14 Statements within seven days prior to the ENE. The Court has
15 previously received ENE briefs sent for the vacated February 1, 2010
16 conference. ENE Statements do not need to be filed again, unless a
17 party's position or information has changed.

18 In the event the case does not settle at the Early Neutral
19 Evaluation Conference, the parties shall also be prepared to discuss
20 the following matters at the conclusion of the conference.

21 1. Any anticipated objections under Federal Rule of Civil
22 Procedure 26(a)(1)(E) to the initial disclosure provisions of
23 Federal Rule of Civil Procedure 26(a)(1)(A-D);

24 2. The scheduling of the Federal Rule of Civil Procedure
25 26(f) conference;

26 3. The date of initial disclosure and the date for lodging
27 the discovery plan following the Rule 26(f) conference; and,

28 4. The scheduling of a Case Management Conference pursuant

1 to Federal Rule of Civil Procedure 16(b).

2 The Court will issue an appropriate order addressing these
3 issues and setting dates as appropriate.

4 **Plaintiff's counsel shall give notice of the ENE to all**
5 **parties responding to the Complaint after the date of this Notice.**

6 Local Rule 16.1(c) requires that an ENE take place within 45
7 days of the filing of the first answer. Requests to continue ENE
8 conferences are rarely granted. However, the Court will consider
9 formal, written *ex parte* requests to continue an ENE conference when
10 extraordinary circumstances exist that make a continuance appropri-
11 ate. In and of itself, having to travel a long distance to appear
12 at the ENE conference is not an extraordinary circumstance. **Absent**
13 **extraordinary circumstances, requests for continuances of the ENE**
14 **conference may not be considered unless submitted in writing no less**
15 **than seven calendar days prior to the scheduled conference.**

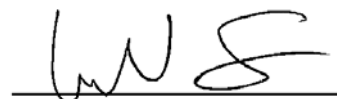
16 Questions regarding this case may be directed to the
17 Magistrate Judge's Research Attorney at (619) 557-6384.

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19 DATED: January 26, 2010

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

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