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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ADAM JACHIMIEC)	Civil No. 09-2170 BTM (NLS)
)	
Plaintiff,)	ORDER GRANTING MOTION TO
v.)	CONVERT EARLY NEUTRAL
)	EVALUATION TO TELEPHONIC
REGENT ASSET MANAGEMENT)	EARLY NEUTRAL EVALUATION FOR
SOLUTION N.A.)	COUNSEL ONLY
)	
Defendants.)	[Docket No. 6]

On January 19, 2010, Defendant filed an Ex Parte Motion to excuse personal attendance at the Early Neutral Evaluation (“ENE”) scheduled for January 21, 2010 and to convert the ENE to a telephonic conference. Defendant argues the cost of attending the ENE would be counterproductive to settlement of the case and represents Plaintiff does not oppose the motion. Accordingly, Good Cause Appearing, IT IS HEREBY ORDERED that an Early Neutral Evaluation of your case will be held **telephonically on January 21, 2010 at 2:30 p.m.** in the Chambers of Magistrate Judge Nita L. Stormes, United States Courthouse, 940 Front Street, Room 1118, San Diego, California 92101. **Defense counsel is to set up the conference call.**

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

1. **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

1 discussions will be informal, off the record, privileged and confidential. Counsel for any non-English
2 speaking parties is responsible for arranging for the appearance of an interpreter at the conference.

3 2. **Attendance by Counsel Only** This ENE is for attorneys only and parties need not appear
4 by telephone at this conference.

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

16 4. **Confidential ENE Statements Required:** The parties have submitted confidential
17 statements of five pages or less directly to the chambers of Magistrate Judge Stormes outlining the
18 nature of the case, the claims, and the defenses.

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

21 6. **Case Management Under the Amended Federal Rules:** In the event the case does not
22 settle at the ENE, the Court will conduct a Case Management Conference. Parties shall therefore be
23 prepared to discuss all case management dates at the conclusion of the ENE conference. The Court will
24 issue an order following the ENE addressing these issues and setting dates as appropriate.

25 7. The parties are specifically cautioned that no future continuances will be granted unless
26 an appropriate request is on file **seven calendar days** prior to the event sought to be continued.

27 8. The parties are also specifically cautioned that personal appearances of parties with full
28 settlement authority and lead trial counsel will not be waived for the Mandatory Settlement Conference

1 that will be scheduled in this case.

2 Questions regarding this case or the mandatory guidelines set forth herein may be
3 directed to the Magistrate Judge's law clerks at (619) 557-5391.

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5 IT IS SO ORDERED.

6 DATED: January 19, 2010

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Hon. Nita L. Stormes
U.S. Magistrate Judge
United States District Court

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