

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

ROSALIE MAI, an individual,)	Case No. 10cv235-JM (BLM)
)	
Plaintiff,)	ORDER DENYING JOINT MOTION AND
)	CONVERTING EARLY NEUTRAL
v.)	EVALUATION CONFERENCE TO
)	TELEPHONIC EARLY NEUTRAL
BERKSHIRE LIFE INSURANCE)	EVALUATION CONFERENCE
COMPANY OF AMERICA, a business)	
entity of unknown form; and)	[Doc. No. 7]
DOES 1 through 10, inclusive,)	
)	
Defendant.)	
_____)	

On March 4, 2010, the parties to the above matter stipulated "that the ENE Conference currently set for March 12, 2010, be continued to April 9 at 10:00 a.m. and all related dates and deadlines, including the parties' initial disclosures..., be continued until after April 9, 2010." Doc. No. 7. Pursuant to the Local Rules for the Southern District of California, "stipulations must be recognized as binding on the court only when approved by the judge" and "[a]ny stipulation for which court approval is sought must be filed as a 'joint motion.'" L.R. 7.2(a), (b). Therefore, the Court will construe the instant stipulation as a joint motion.

Citing the unavailability of Plaintiff's counsel, the parties

1 first request that the Early Neutral Evaluation Conference ("ENE")
2 scheduled for March 12, 2010 be continued to April 9, 2010. Doc. No.
3 7. Local Rule 16.1(c) requires that an ENE take place within forty-five
4 days of the filing of the first answer. The parties proposed date is
5 well outside this time frame; therefore, their request is **DENIED**.
6 Instead, the Court **CONVERTS** the ENE to a telephonic, attorney-only ENE
7 to be held on March 11, 2010 at 11:00 a.m. The Court will initiate the
8 conference call. The parties need not submit confidential statements.

9 The parties also request that the deadline for initial disclosures
10 be continued until after April 9, 2010. Doc. No. 7. The Court notes
11 that the deadline for making the disclosures required by Federal Rule
12 of Civil Procedure 26(a)(1)(A) through (E) was February 26, 2010. See
13 doc. no. 5 at 5. However, the parties did not file the instant motion
14 until March 4, 2010, six days after the deadline had passed. Therefore,
15 the parties' request is **DENIED** and they are **ORDERED** to immediately make
16 the required disclosures.

17 **IT IS SO ORDERED.**

18
19 DATED: March 5, 2010

20 

21 BARBARA L. MAJOR
22 United States Magistrate Judge