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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

JOHN RODRIGUEZ,

Plaintiff,

v.

ATLANTIC CREDIT AND FINANCE,  
INC., et al.,

Defendants.

Case No. 10-CV-1285-BEN (JMA)

**ORDER SCHEDULING SETTLEMENT/  
CASE MANAGEMENT CONFERENCE**

The Court convened an Early Neutral Evaluation Conference telephonically on September 29, 2010.

**IT IS HEREBY ORDERED** that a Settlement/Case Management Conference will be held in the chambers of Magistrate Judge Jan M. Adler on **November 1, 2010** at **2:00 p.m.**, Room 1165, United States Courthouse, 940 Front Street, San Diego, California 92101-8928.


**All named parties, all counsel, and any other person(s) whose authority is required to negotiate and enter into settlement shall appear in person at the conference. The individual(s) present at the Settlement/Case Management Conference with settlement authority must have the unfettered discretion and authority on behalf of the party to: 1) fully explore all settlement options and to agree during the conference to any settlement terms acceptable to the party (G.**

1 Heileman Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989)),  
2 2) change the settlement position of a party during the course of the conference  
3 (Pitman v. Brinker Int'l, Inc., 216 F.R.D. 481, 485-86 (D. Ariz. 2003)), and 3)  
4 negotiate a settlement without being restricted by any predetermined level of  
5 authority (Nick v. Morgan's Foods, Inc., 270 F.3d 590, 596 (8th Cir. 2001)).

6 Governmental entities may appear through litigation counsel only. As to all other  
7 parties, appearance by litigation counsel only is not acceptable. Retained outside  
8 corporate counsel shall not appear on behalf of a corporation as the party who has the  
9 authority to negotiate and enter into a settlement. **The failure of any counsel, party or**  
10 **authorized person to appear at the Settlement/Case Management Conference as**  
11 **required shall be cause for the immediate imposition of sanctions.** All conference  
12 discussions will be informal, off the record, privileged, and confidential.

13 **IT IS SO ORDERED.**

14 DATED: September 29, 2010

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16 Jan M. Adler  
17 U.S. Magistrate Judge  
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