

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


HANGINOUT, INC., a Delaware corporation,  
  
Plaintiff,  
v.  
GOOGLE, INC., a Delaware corporation,  
  
Defendants.

Civil No. 13cv2811 AJB (NLS)  
**ORDER SETTING VOLUNTARY SETTLEMENT CONFERENCE**

---

At the request of the parties, the court **SETS** a Voluntary Settlement Conference for **June 5, 2014** at **2:30 p.m.** in the chambers of United States Magistrate Judge Nita L. Stormes, U.S. Courthouse, 333 West Broadway, Suite 1210, San Diego, California 92101-8921. Counsel or any party representing himself or herself shall submit confidential settlement briefs **directly to chambers** no later than **May 30, 2014**. All parties are ordered to read and to fully comply with the attached Settlement Conference Procedures. **IT IS SO ORDERED.**

DATED: May 23, 2014

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

1 **Chambers of Magistrate Judge Nita L. Stormes**  
2 **Settlement Conference Procedures**

3 **1. Attendance:** All parties, adjusters for insured defendants, and other  
4 representatives of a party **having full and complete authority to enter into a binding**  
5 **settlement**, and the principal attorneys responsible for the litigation, must be present and  
6 legally and factually prepared to discuss settlement of the case. Full authority to settle  
7 means that the individuals at the settlement conference be authorized to fully explore  
8 settlement options and to agree at that time to any settlement terms acceptable to the  
9 parties. *Heileman Brewing Co., Inc. v. Joseph Oat Corp.*, 871 F.2d 648, 653 (7th Cir.  
10 1989). The person needs to have "unfettered discretion and authority" to change the  
11 settlement position of a party. *Pitman v. Brinker Int'l, Inc.*, 216 F.R.D. 481, 485-486 (D.  
12 Ariz. 2003). One of the purposes of requiring a person with unlimited settlement  
13 authority to attend the conference is that the person's view of the case may be altered  
14 during the face-to-face conference. *Pitman*, 216 F.R.D. at 486. Limited or sum certain  
15 authority is not adequate. *Nick v. Morgan's Foods, Inc.*, 270 F.3d 590, 595-597 (8th Cir.  
16 2001). Failure of any of the aforementioned to appear **in person** will result in the  
17 imposition of sanctions. Where settlement authority rests with a governing body, counsel  
18 shall propose special arrangements in advance for securing timely authority to settle.

19 Requests to continue settlement conferences are rarely granted. The Court,  
20 however, will consider written joint motion or ex parte requests to continue a conference  
21 when extraordinary circumstances exist that make a continuance appropriate. In and of  
22 itself, having to travel a long distance to appear in person is not "extraordinary" to justify  
23 continuing the conference or excusing the personal attendance of a party.

24 **2. Settlement Conference Briefs:** All parties are required to lodge a  
25 **confidential** settlement brief before the Settlement Conference. Please refer to the  
26 Court's order for the due date for the brief. Settlement briefs should not exceed ten (10)  
27 pages in length, double spaced, exclusive of exhibits, if any. Copies of all documents  
28 that might enhance the productivity of negotiations (e.g., contracts, key correspondence  
or memos, reports of experts, photos, medical bills, wage loss statements, selected pages  
from deposition transcripts or responses to other discovery) should be attached as  
exhibits to the settlement briefs with significant portions highlighted for easy reference.  
Parties may also attach as exhibits helpful judicial opinions and information about the  
settlement or judgment value of comparable cases. Each brief shall set forth the  
following required confidential information:

- a. A brief analysis of the key issues involved in the litigation;
- b. A description of the strongest and weakest legal and factual points in the party's case;
- c. A description of the strongest and weakest legal and factual points in the opponent's case;
- d. The status of any settlement negotiations, including the last settlement proposal made by each party; and
- e. The settlement proposal that the party is willing to make in order to conclude the matter and spare the further expense of litigation.

Parties should hand deliver, mail, or electronically mail the **original only** of settlement briefs directly to chambers. If the submission exceeds 20 pages, a paper copy **must** be delivered or mailed to chambers. FAX briefs will not be accepted. **Settlement briefs are confidential and shall not be served on opposing parties nor shall they be filed.**

Chambers of Magistrate Judge Nita L. Stormes  
333 West Broadway, Suite 1210  
San Diego, CA 92101  
email: [efile\_stormes@casd.uscourts.gov]