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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 In the matter of the Complaint of
12 HORNBLOWER FLEET, LLC., owner;
13 and HORNBLOWER YACHTS, LLC
14 dba HORNBLOWER CRUISES AND
15 EVENTS, owner pro hac vice, for
16 exoneration from, or limitation of,
17 liability,

Case No.: 16CV2468-JM(JMA)

**ORDER SCHEDULING
SETTLEMENT CONFERENCE**

18 A Settlement Conference will be held in the chambers of Magistrate Judge
19 Jan M. Adler on **October 16, 2017** at **10:00 a.m.**, Edward J. Schwartz United
20 States Courthouse, 221 West Broadway, San Diego, California. Counsel shall
21 submit settlement statements to Magistrate Judge Adler's chambers no later than
22 **October 9, 2017**.¹ The parties may either submit confidential settlement
23 statements or may exchange their settlement statements.
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26 ¹ Statements under 20 pages in length, including attachments and exhibits, may be e-mailed
27 to efile_adler@casd.uscourts.gov, faxed to (619) 702-9939, or delivered to chambers via the
28 Office of the Clerk of Court at 333 West Broadway, Suite 420, San Diego, California. Statements exceeding 20 pages in length, including attachments and exhibits, must be delivered to chambers via the Office of the Clerk of Court.

1 All named parties, all counsel, and any other person(s) whose
2 authority is required to negotiate and enter into settlement shall appear in
3 person at the conference. The individual(s) present at the Settlement
4 Conference with settlement authority must have the unfettered discretion
5 and authority on behalf of the party to: 1) fully explore all settlement
6 options and to agree during the conference to any settlement terms
7 acceptable to the party (G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.,
8 871 F.2d 648, 653 (7th Cir. 1989)), 2) change the settlement position of a
9 party during the course of the conference (Pitman v. Brinker Int'l, Inc., 216
10 F.R.D. 481, 485-86 (D. Ariz. 2003)), and 3) negotiate a settlement without
11 being restricted by any predetermined level of authority (Nick v. Morgan's
12 Foods, Inc., 270 F.3d 590, 596 (8th Cir. 2001)). Governmental entities may
13 appear through litigation counsel only. As to all other parties, appearance by
14 litigation counsel only is not acceptable. Retained outside corporate counsel
15 shall not appear on behalf of a corporation as the party who has the authority to
16 negotiate and enter into a settlement.

17 **The failure of any counsel, party or authorized person to appear at the**
18 **Settlement Conference as required shall be cause for the immediate**
19 **imposition of sanctions.** All conference discussions will be informal, off the
20 record, privileged, and confidential.

21 **IT IS SO ORDERED.**

22 Dated: July 24, 2017

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24 Honorable Jan M. Adler
25 United States Magistrate Judge
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