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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MEDICAL EXTRUSION TECHNOLOGIES,  
INC.,  
  
Plaintiff,  
  
v.  
  
APOLLO MEDICAL EXTRUSION  
TECHNOLOGIES, INC.,  
  
Defendant.

Case No.: 17cv2150-AJB (MSB)

**ORDER SETTING IN-PERSON  
SETTLEMENT CONFERENCE**

The Court held a settlement conference on August 29, 2019. Settlement negotiations are ongoing. As discussed with the parties at the conference, the Court **SETS** a further in-person settlement conference on **September 18, 2019**, at **3:00 p.m.**, in the chambers of **Magistrate Judge Michael S. Berg** located at **221 West Broadway, Second Floor (Chambers 2C), San Diego, CA 92101**. All discussions at the Settlement Conference will be informal, off the record, privileged, and confidential.

a. **Personal Appearance of Parties Required:** All named parties, party representatives, including claims adjusters for insured defendants, as well as the principal attorney(s) responsible for the litigation, must be present **in person** and legally and factually prepared to discuss and resolve the case. Counsel appearing without their

1 clients (whether or not counsel has been given settlement authority) will be cause for  
2 immediate imposition of sanctions and may also result in the immediate termination of  
3 the conference.

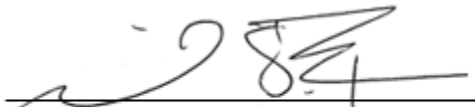
4       **b. Full Settlement Authority Required:** A party or party representative with  
5 full settlement authority<sup>1</sup> must be present at the conference. Retained outside  
6 corporate counsel shall not appear on behalf of a corporation as the party  
7 representative who has the authority to negotiate and enter into a settlement.

8       **c. Requests to Continue a Settlement Conference:** Any request to continue  
9 the Mandatory Settlement Conference, or request for relief from any of the provisions  
10 or requirements of this Order, must be sought by a **written application. Absent good**  
11 **cause, requests for continuances will not be considered unless submitted in writing no**  
12 **fewer than seven (7) calendar days prior to the scheduled conference.**

13       **If the case is settled in its entirety before the scheduled date of the conference,**  
14 **counsel and any unrepresented parties must still appear in person, unless a written**  
15 **joint notice confirming the complete settlement of the case is filed no fewer than**  
16 **twenty-four (24) hours before the scheduled conference.**

17       **IT IS SO ORDERED.**

18 Dated: August 29, 2019

19   
20 \_\_\_\_\_  
21 Honorable Michael S. Berg  
22 United States Magistrate Judge

23 \_\_\_\_\_  
24  
25 <sup>1</sup> “Full settlement authority” means that the individuals at the settlement conference must be authorized  
26 to fully explore settlement options and to agree at that time to any settlement terms acceptable to the  
27 parties. Heileman Brewing Co. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989). The person  
28 needs to have “unfettered discretion and authority” to change the settlement position of a party. Pitman  
v. Brinker Int’l, Inc., 216 F.R.D. 481, 485–86 (D. Ariz. 2003). The purpose of requiring a person with  
unlimited settlement authority to attend the conference contemplates that the person’s view of the case  
may be altered during the face to face conference. Id. at 486. A limited or a sum certain of authority is  
not adequate. See Nick v. Morgan’s Foods, Inc., 270 F.3d 590, 595–97 (8th Cir. 2001).