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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 MICHAEL HAWKES *et al.*,

12 Plaintiffs,

13 v.

14 EQUITYEXPERTS.ORG,
15 CALIFORNIA LLC *et al.*,

16 Defendants.

Case No.: 18-CV-1368-L(WVG)

**ORDER RESCHEDULING
MANDATORY SETTLEMENT
CONFERENCE**

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18 Due a conflict with the Court's criminal duty calendar, the June 4, 2019 Mandatory
19 Settlement Conference is VACATED and rescheduled as set forth below.

20 **Mandatory Settlement Conference**

21 A Mandatory Settlement Conference shall be conducted on **June 10, 2019**, at **2:00**
22 **p.m.** in the chambers of Magistrate Judge William V. Gallo. Counsel shall submit
23 settlement statements **directly to chambers** no later than **May 31, 2019**. Each party's
24 settlement statement shall set forth the party's statement of the case, identify controlling
25 legal issues, concisely set out issues of liability and damages, and shall set forth the party's
26 settlement position, including the last offer or demand made by that party, and a separate
27 statement of the offer or demand the party is prepared to make at the settlement conference.
28 **Settlement conference briefs shall not be filed with the Clerk of the Court but may be**

1 served on opposing counsel at the party's discretion. Settlement conference briefs
2 shall comply with the undersigned's Chambers Rules. The parties shall meet and confer
3 in good faith prior to the Mandatory Settlement Conference and verify that they have done
4 so in their respective Mandatory Settlement Conference statements, outlining the substance
5 of their discussions and negotiations.

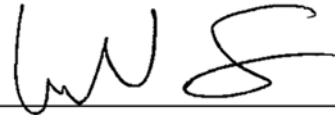
6 Pursuant to Federal Rule of Civil Procedure 16 and Local Civil Rule 16.3, all named
7 Plaintiffs, named Defendants, claims adjusters for insured defendants, and if a named
8 Plaintiff or Defendant is a corporation, partnership, or other entity, a representative of that
9 entity, with full and unlimited authority¹ to negotiate and enter into a binding settlement,
10 as well as the principal attorney(s) responsible for the litigation, must be present and must
11 be prepared to discuss in good faith, the facts of the case, the law that governs the legal
12 issues in the case, and to resolve the case at the Settlement Conference. Sanctions may
13 issue against a party and/or attorney who does not proceed as noted above. Retained
14 outside corporate counsel shall not appear on behalf of a corporation as the party who has
15 the authority to negotiate and enter into a settlement. For good cause, and on ex parte
16 application at least one week before the scheduled settlement conference, Magistrate Judge
17 Gallo may excuse a party or representative from personal attendance provided such party
18 or parties will be available by telephone during the conference. Failure to attend the
19 conference or participate in good faith or obtain proper excuse will be considered grounds
20 for sanctions. Counsel seeking to reschedule a Settlement Conference must first confer
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23 ¹ "Full authority to settle" means that the individuals at the settlement conference must be
24 authorized to fully explore settlement options and to agree at that time to any settlement
25 terms acceptable to the parties. *Heileman Brewing Co., Inc. v. Joseph Oat Corp.*, 871 F.2d
26 648 (7th Cir. 1989). The person needs to have "unfettered discretion and authority" to
27 change the settlement position of a party. *Pitman v. Brinker Int'l, Inc.*, 216 F.R.D. 481,
28 485-86 (D. Ariz. 2003). The purpose of requiring a person with unlimited settlement
authority to attend the conference includes 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. *Nick v. Morgan's Foods, Inc.*, 270 F.3d 590 (8th Cir. 2001).

1 with opposing counsel. The Court will consider formal, written *ex parte* requests to
2 continue a Settlement Conference when extraordinary circumstances exist that make a
3 continuance appropriate. In and of itself, having to travel a long distance to appear at the
4 Settlement Conference is not an extraordinary circumstance.

5 **IT IS SO ORDERED.**

6 DATED: April 16, 2019

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Hon. William V. Gallo
United States Magistrate Judge

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