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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

JOHN GILLETT,  
  
Plaintiff,  
  
v.  
  
EI CORPORATION, INC., et al.,  
  
Defendants.

Case No.: 20cv1351-JAH(MSB)

**ORDER SETTING FOLLOW-UP VIDEO  
SETTLEMENT CONFERENCE AND  
CONTINUING CASE MANAGEMENT  
CONFERENCE**

On September 3, 2020, the Court held a video Early Neutral Evaluation Conference via Zoom. (See ECF No. 11.) The Court sets a follow-up video Settlement Conference (“SC”) for **October 15, 2020**, at **1:30 p.m.**, to be hosted through the Court’s ZoomGov account. All discussions at the SC will be informal, off the record, privileged, and confidential. The following rules and deadlines apply:

- 1. 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 participate in the video conference, and be legally and factually prepared to discuss and resolve the case. Counsel appearing without their clients (whether or not counsel has been given

1 settlement authority) will be cause for immediate imposition of sanctions and may also  
2 result in the immediate termination of the conference.

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

7 **3.** The Court will use its official Zoom video conferencing account to hold the  
8 SC.

9 **4.** Before the SC, the Court will e-mail each SC participant an invitation to join  
10 a Zoom video conference. Participants are encouraged to use laptops or desktop  
11 computers for the video conference, as mobile devices often offer inferior performance.  
12 Participants shall join the video conference by following the ZoomGov Meeting  
13 hyperlink in the invitation. **Participants who do not have Zoom already installed on**  
14 **their device when they click on the ZoomGov Meeting hyperlink will be prompted to**  
15 **download and install Zoom before proceeding.** Zoom may then prompt participants to  
16 enter the password included in the invitation.

17 **5.** Each participant should plan to join the Zoom video conference **at least five**  
18 **minutes before** the start of the SC to ensure that the SC begins promptly at **1:30 p.m.**  
19 **The Zoom e-mail invitation may indicate an earlier start time, but the SC will begin at**  
20 **the Court-scheduled time.**

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24 <sup>1</sup> “Full settlement authority” means that the individuals at the settlement conference must be  
25 authorized to fully explore settlement options and to agree at that time to any settlement terms  
26 acceptable to the parties. Heileman Brewing Co. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989).  
27 The person needs to have “unfettered discretion and authority” to change the settlement position of a  
28 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).

1           **6.**     No later than **October 8, 2020**, counsel for each party shall send an e-mail  
2 to the Court at efile\_berg@casd.uscourts.gov containing the following:

3           a.     The **name and title of each participant**, including all parties and  
4 party representatives with full settlement authority, claims adjusters for insured  
5 defendants, and the primary attorney(s) responsible for the litigation;

6           b.     An **e-mail address for each participant** to receive the Zoom video  
7 conference invitation; and

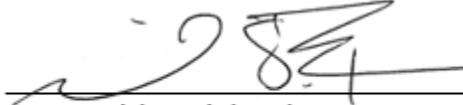
8           c.     A **telephone number where each participant** may be reached so that  
9 if technical difficulties arise, the Court will be able to proceed telephonically instead of  
10 by video conference. (If counsel prefers all participants of their party on a single  
11 conference call, counsel may provide a conference number and appropriate call-in  
12 information, including an access code, where all counsel and parties or party  
13 representatives for that side may be reached as an alternative to providing individual  
14 telephone numbers for each participant.)

15           **8. Absent good cause, requests for continuances will not be considered unless**  
16 **submitted in writing no fewer than seven (7) calendar days prior to the scheduled**  
17 **conference.**

18           **9. Case Management Conference:** If the case does not settle during the SC,  
19 the Court will conduct a Case Management Conference.

20           **IT IS SO ORDERED.**

21 Dated: September 10, 2020

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24 Honorable Michael S. Berg  
25 United States Magistrate Judge  
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