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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SAN DIEGO COMIC  
CONVENTION, a California non-  
profit corporation,

Plaintiff,

v.

DAN FARR PRODUCTIONS, a  
Utah limited liability company, et al.,

Defendants.

\_\_\_\_\_  
AND RELATED COUNTERCLAIM.  
\_\_\_\_\_

Case No. 14-CV-1865-AJB (JMA)

**NOTICE AND ORDER FOR  
EARLY NEUTRAL EVALUATION  
CONFERENCE**

**IT IS HEREBY ORDERED** that an Early Neutral Evaluation  
Conference will be held on **October 27, 2014** at **10:00 a.m.** in the  
chambers of the Honorable Jan M. Adler, United States Magistrate Judge,  
Edward J. Schwartz United States Courthouse, 221 West Broadway, San  
Diego, California.

Pursuant to Rule 16.1(c) of the Local Rules of the United States  
District Court for the Southern District of California, **all named parties, all  
counsel, and any other person(s) whose authority is required to**

1 **negotiate and enter into settlement shall appear in person at the**  
2 **conference**, shall be prepared to discuss the claims and defenses, and  
3 shall be legally and factually prepared to discuss and resolve the case at  
4 the Early Neutral Evaluation Conference. **The individual(s) present at**  
5 **the Early Neutral Evaluation Conference with settlement authority**  
6 **must have the unfettered discretion and authority on behalf of the**  
7 **party to: 1) fully explore all settlement options and to agree during**  
8 **the Early Neutral Evaluation Conference to any settlement terms**  
9 **acceptable to the party (*G. Heileman Brewing Co., Inc. v. Joseph Oat***  
10 **Corp., 871 F.2d 648, 653 (7th Cir. 1989)), 2) change the settlement**  
11 **position of a party during the course of the Early Neutral Evaluation**  
12 **Conference (*Pitman v. Brinker Int'l, Inc.*, 216 F.R.D. 481, 485-86 (D.**  
13 **Ariz. 2003)), and 3) negotiate a settlement without being restricted by**  
14 **any predetermined level of authority (*Nick v. Morgan's Foods, Inc.*,**  
15 **270 F.3d 590, 596 (8th Cir. 2001)).**

16 Governmental entities may appear through litigation counsel only. As  
17 to all other parties, appearance by litigation counsel only is not acceptable.  
18 Retained outside corporate counsel shall not appear on behalf of a  
19 corporation as the party who has the authority to negotiate and enter into a  
20 settlement. **The failure of any counsel, party or authorized person to**  
21 **appear at the Early Neutral Evaluation Conference as required will**  
22 **result in the immediate imposition of sanctions.**

23 All conference discussions will be informal, off the record, privileged,  
24 and confidential.

25 Counsel for any non-English speaking parties is responsible for  
26 arranging for the appearance of an interpreter at the conference.

27 Although the submission of statements is not required in advance of  
28 the Early Neutral Evaluation Conference, parties may submit concise

1 statements if desired. If a statement is submitted, it shall be provided to  
2 chambers no later than one week prior to the scheduled conference.<sup>1</sup> If the  
3 parties submit statements in connection with the Early Neutral Evaluation  
4 Conference, they may either do so on a confidential basis or may  
5 exchange their statements.

6 Rule 26 of the Federal Rules of Civil Procedure shall apply to this  
7 case. All discovery shall be stayed until after the Rule 26(f) conference,  
8 unless otherwise permitted by Rule 26(d)(1).

9 In the event the case does not settle at the Early Neutral Evaluation  
10 Conference, the parties shall also be prepared to discuss the following  
11 matters at the conclusion of the conference:

- 12 1. Any anticipated objections under Federal Rule of Civil  
13 Procedure 26(a)(1) to the initial disclosure provisions of Rule 26(a)(1)(A-E);
- 14 2. The scheduling of the Rule 26(f) conference;
- 15 3. The date of initial disclosures and the date for lodging the  
16 discovery plan following the Rule 26(f) conference; and
- 17 4. The scheduling of a Case Management Conference pursuant to  
18 Rule 16(b).

19 Plaintiff's(s') counsel shall give notice of the Early Neutral Evaluation  
20 Conference to parties responding to the complaint after September 23,  
21 2014.

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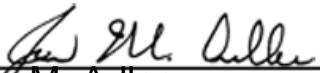
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26 <sup>1</sup>Statements under 20 pages in length, including attachments and exhibits,  
27 may be e-mailed to [efile\\_adler@casd.uscourts.gov](mailto:efile_adler@casd.uscourts.gov), faxed to (619) 702-9939, or  
28 delivered to chambers via the 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 Questions regarding this case may be directed to the Magistrate  
2 Judge's law clerk at (619) 557-5585.<sup>2</sup>

3 **IT IS SO ORDERED.**

4 DATED: September 23, 2014

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6 Jan M. Adler  
7 U.S. Magistrate Judge  
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<sup>2</sup>Judge Adler's Chambers Rules are posted on the Court's website.

1                   **NOTICE OF RIGHT TO CONSENT TO TRIAL**  
2                   **BEFORE A UNITED STATES MAGISTRATE JUDGE**

3                   IN ACCORDANCE WITH THE PROVISIONS OF 28 U.S.C. § 636(c),  
4 YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE JUDGE OF  
5 THIS DISTRICT MAY, UPON THE CONSENT OF ALL PARTIES, ON  
6 FORM 1A AVAILABLE IN THE CLERK'S OFFICE, CONDUCT ANY OR  
7 ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND  
8 ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE  
9 PLAINTIFF SHALL BE RESPONSIBLE FOR OBTAINING THE CONSENT  
10 OF ALL PARTIES, SHOULD THEY DESIRE TO CONSENT.

11                  YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT  
12 OR NOT TO CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE  
13 COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL  
14 PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE JUDGE TO  
15 WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR  
16 DECISION.

17                  JUDGMENTS OF THE U.S. MAGISTRATE JUDGES ARE  
18 APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE  
19 WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE  
20 PROCEDURE.