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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EDWARD PERUTA,)	Case No. 09cv2371-IEG (BLM)
)	
Plaintiff,)	NOTICE AND ORDER SETTING
)	TELEPHONIC EARLY NEUTRAL
v.)	EVALUATION CONFERENCE
)	
COUNTY OF SAN DIEGO, WILLIAM D.)	
GORE, INDIVIDUALLY AND IN HIS)	
CAPACITY AS SHERIFF,)	
)	
Defendants.)	
_____)	

IT IS HEREBY ORDERED that a telephonic, attorneys-only Early Neutral Evaluation ("ENE") of your case will be held on **February 24, 2010** at **9:00 a.m.** The Court will initiate the conference call.

The following are mandatory guidelines for the parties preparing for the Early Neutral Evaluation Conference.

1. **Purpose of Conference:** The purpose of the ENE is to permit an informal discussion between the attorneys and the settlement judge of every aspect of the lawsuit in an effort to achieve an early resolution of the case. All conference discussions will be informal, off the record, privileged, and confidential.

2. **Confidential ENE Statements Required:** No later than five

1 (5) court days prior to the ENE, the parties shall submit via fax,
2 email or hand delivery, confidential statements no more than ten
3 (10) pages¹ in length directly to the chambers of the Honorable
4 Barbara L. Major. **These confidential statements shall not be filed**
5 **or served on opposing counsel.** Each party's confidential statement
6 must include the following:

7 a. A brief description of the case, the claims and/or
8 counterclaims asserted, and the applicable defenses or position
9 regarding the asserted claims;

10 b. A specific and current demand or offer for settlement
11 addressing all relief or remedies sought. If a specific demand or
12 offer for settlement cannot be made at the time the brief is
13 submitted, then the reasons therefore must be stated along with a
14 statement as to when the party will be in a position to state a
15 demand or make an offer; and

16 c. A brief description of any previous settlement
17 negotiations, mediation sessions, or mediation efforts.

18 General statements that a party will "negotiate in good faith"
19 is not a specific demand or offer contemplated by this Order. It
20 is assumed that all parties will negotiate in good faith.

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28 ¹ The parties shall not append attachments or exhibits to the ENE statement.

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3. New Parties Must be Notified by Plaintiff's Counsel:

Plaintiff's counsel shall give notice of the ENE to parties responding to the complaint after the date of this notice.

IT IS SO ORDERED.

DATED: January 21, 2010



BARBARA L. MAJOR
United States Magistrate Judge

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

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In accordance with the provisions of 28 U.S.C. § 636(c), you are hereby notified that a U.S. Magistrate Judge of this district may, upon the consent of all parties, on Form 1A available in the Clerk's Office, conduct any or all proceedings, including a jury or non-jury trial, and order the entry of a final judgment. Counsel for the plaintiff shall be responsible for obtaining the consent of all parties, should they desire to consent.

You should be aware that your decision to consent or not to consent is entirely voluntary and should be communicated solely to the Clerk of Court. Only if all parties consent will the Judge or Magistrate Judge to whom the case has been assigned be informed of your decision.

Judgments of U.S. Magistrate Judges are appealable to the U.S. Court of Appeals in accordance with this statute and the Federal Rules of Appellate Procedure.