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12 **UNITED STATES DISTRICT COURT**
13 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

14 **LANNA RAE RENNA, et al.,**

Case No. 20-cv-2190-DMS (DEB)

15
16 Plaintiffs,

17 vs.

18 **ROB BONTA, in his official capacity**
19 **as California Attorney General, et**
20 **al.,**

**PLAINTIFFS' UNOPPOSED MOTION
TO MODIFY ORDER SETTING
EARLY NEUTRAL EVALUATION
AND CASE MANAGEMENT
CONFERENCE**

21 Defendants.
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1 Plaintiffs respectfully request, without opposition, that the Court modify the
2 participation requirements of the Court’s previous order setting the early neutral
3 evaluation conference and case management conference, Dkt. No. 23, as follows:

4 The Court’s order currently provides: “all parties, party representatives,
5 including claims adjusters for insured parties, and the principal attorney(s)
6 responsible for the litigation must participate in the ENE. This appearance must be
7 made with full and unlimited authority to negotiate and enter into a binding
8 settlement. In the case of a corporate entity, an authorized representative of the
9 corporation who is not retained outside counsel must be present and must have
10 discretionary authority to commit the company to pay an amount up to the amount
11 of the plaintiff’s prayer (excluding punitive damage prayers).”

12 As outlined in Plaintiffs’ ENE Statement, counsel for Plaintiffs and
13 Defendants have conferred by telephone on multiple occasions since the complaint
14 was filed. During these conferences, counsel have specifically discussed the
15 possibility of settlement and what any such settlement might look like. Counsel have
16 agreed that this case presents no realistic possibility of reaching a compromise or
17 settlement that would avoid further litigation. The case presents purely legal issues
18 over the constitutionality of the laws, policies, practices, and customs at issue, with
19 Plaintiffs contending they are unconstitutional and must be enjoined and Defendants
20 contending they are lawful and must be upheld as such. Counsel have also discussed
21 this with Judge Sabraw who has communicated that he anticipates the case will
22 proceed into a dispositive motion phase and, if need be, trial, for these reasons.

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24 As such, Plaintiffs respectfully request that the requirement of the
25 participation of all parties, party representatives, and authorized representatives of
26 corporate entity plaintiffs in the ENE conference be eliminated and that the
27 conference be allowed proceed solely with the participation of counsel for the
28 Plaintiffs and counsel for the Defendants, as the respective representatives of all

1 parties to the case. Counsel for Defendants do not oppose this motion to modify the
2 order accordingly. Otherwise, Plaintiffs will be required to procure the participation
3 of at least seven other individuals to satisfy the requirement of the current order. All
4 plaintiff-parties and plaintiff-representatives are surely invested in this case, and
5 everyone is committed to resolving the matter as efficiently and effectively as
6 possible. However, their participation in the ENE conference would not further
7 resolution of the matter, since all parties agree that the case is simply not suitable for
8 a resolution short of dispositive motion and/or trial proceedings.

9 Respectfully submitted,

10 Date: September 21, 2021

/s/Raymond M. DiGuiseppe

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