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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

XCentric Ventures, LLC, an Arizona  
limited corporation, and Jaburg & Wilk,  
P.C., a professional corporation,

Plaintiff,

vs.

Shawn Richeson,

Defendant.

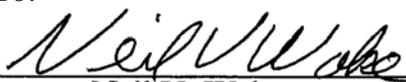
No. CV-10-01931-PHX-NVW

**ORDER**

Before the Court is Defendant’s Motion to Appear by Telephone (Doc. 17) and the Response (Doc. 18). The Court generally allows out-of-state counsel and parties to appear by telephone in non-evidentiary proceedings. However, witnesses are not permitted to testify or offer evidence by telephone absent justifying circumstances. The cost and time of travel are rarely sufficient justification. No circumstances are presented in this case that would justify telephone testimony in the preliminary injunction hearing. Possible issues of credibility and the practicalities of presenting evidence require live presence of witnesses. Because Defendant does not receive electronic notice of the Court’s orders, Plaintiff’s counsel is directed to notify Defendant of this order immediately.

IT IS ORDERED that Defendant’s Motion to Appear by Telephone (Doc. 17) is denied to the preliminary injunction hearing.

DATED this 17<sup>th</sup> day of September, 2010.

  
Neil V. Wake  
United States District Judge