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7 **Attorney for Plaintiffs**

8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
10 **FRESNO DIVISION**

11 **YVONNE ARCURE, KEVIN COOK, &**  
12 **JOSEPH FESSENDEN,**

13 **Plaintiffs,**

14 **v.**

15 **CALIFORNIA DEPARTMENT OF**  
16 **DEVELOPMENTAL SERVICES,**  
17 **DEBORAH MEEKER, JEFFREY BRADLEY,**  
18 **DOUGLAS LOEHNER, DAVID CORRAL, &**  
19 **MICHAEL FLORES,**

20 **Defendants.**

**Case No. 1:13-cv-00541-LJO-BAM**

**STIPULATION CONCERNING**  
**JOSEPH FESSENDEN'S ABSENCE**  
**FROM THE APRIL 8, 2015**  
**SETTLEMENT CONFERENCE**  
**ORDER**

**Settlement Conf. Date: April 8, 2015**  
**Settlement Conf. Time: 9:30 a.m.**  
**Courtroom: 8**  
**Judge: The Hon. Barbara McAuliffe**  
**Case Filed: April 14, 2013**  
**Trial Date: November 17, 2015**

21 **NOW COME THE PARTIES WHO STIPULATE AS FOLLOWS:**

22 1. WHEREAS, Joseph Fessenden is unavailable to attend the settlement conference  
23 due to his recent hire by the California Department of Corrections & Rehabilitation ("CDCR")  
24 and the attendant requirement that he complete the CDCR Academy;

25 2. WHEREAS, Counsel for Mr. Fessenden has represented that Mr. Fessenden has  
26 granted him full authority to settle Mr. Fessenden's claims and that Mr. Fessenden's absence  
27 will not impeded the effort to reach a mutually agreeable settlement;

28 3. WHEREAS, counsel for the Department of Developmental Services ("DDS") has  
accepted Mr. Fessenden's counsel's representations;

1           4.       WHEREAS, counsel for DDS and counsel for Mr. Fessenden have met and  
2 conferred concerning the potential settlement of Mr. Fessenden's claims and each have a clear  
3 understanding of the respective position of the parties concerning a potential settlement of Mr.  
4 Fessenden's claims;

5           5.       THEREFORE, the parties, through their respective counsel, hereby jointly request  
6 that Mr. Fessenden be excused from attending the settlement conference in this case scheduled  
7 for April 8, 2015 at 9:30 in Courtroom number 8.

8           **IT IS SO STIPULATED**

9 Dated: April 1, 15

KAMALA D. HARRIS  
Attorney General of California  
JUDITH A. RECCHIO  
Supervising Deputy Attorney General

10  
11  
12           /s/  
MATTHEW T. BESMER  
Deputy Attorney General  
Attorneys for Defendants

13  
14  
15 Dated: April 1, 15

Law Offices Of Lawrence J. King

16  
17           /s/  
Lawrence J. King  
Attorney for Plaintiffs

18           **ORDER**

19  
20           Having reviewed the parties' stipulation and based upon the representations in the  
21 stipulation that counsel has full settlement authority, and finding good cause therefor, the Court  
22 hereby grants the parties' joint request that Plaintiff Joseph Fessenden be excused from attending  
23 the settlement conference scheduled for April 8, 2015 at 9:30 a.m. in courtroom 8.

24  
25 IT IS SO ORDERED.

26 Dated: April 1, 2015

27           /s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

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