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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT N. JOHNSON,

Plaintiff,

No. 2:07-cv-02514 KJM EFB

v.

CARL KARCHER ENTERPRISES,
INC. Individually and dba CARL'S
JR. #231, et al.,

Defendants.

ORDER

Following a status conference in this matter conducted on April 27, 2011, a settlement conference was ordered to be held before the undersigned on June 21, 2011, at 9:00 a.m., in Courtroom 25. (See Order, May 2, 2011, at 1, Dkt. No. 42.) The parties lodged non-confidential settlement conference memoranda with the undersigned and represented that they have exchanged the same.

Presently before the undersigned is defendants' application to be excused from personal appearance at the settlement conference on the grounds that in light of representations in the settlement memoranda regarding plaintiff's initial settlement demand: (1) "Defendants are not inclined to settle with Plaintiff at this point in time"; (2) the "costs for preparing for, traveling to, and attending the scheduling conference in person is simply more than Defendants would

1 offer Plaintiff to settle this matter”; and (3) as a result, “a personal appearance by Defendants
2 would be counterproductive to any meaningful settlement discussion.” (See Application at 2,
3 Dkt. No. 45.)

4 The undersigned denies defendants’ application for relief from personal
5 appearance at the scheduling conference. Defendants represented in the Joint Status Report that
6 they were “open to an early settlement conference,” and it appears from the court’s docket that
7 defendants confirmed this representation at the status conference. (Joint Status Report at 4, Dkt.
8 No. 39; Minutes, Apr. 27, 2011, Dkt. No. 41 (“The parties confirm they are open to
9 settlement.”).) If defendants did not truly wish to engage in early settlement negotiations, their
10 counsel should not have represented as much to the court.

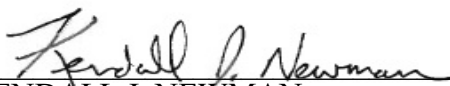
11 For the foregoing reasons, IT IS HEREBY ORDERED that:

12 1. Defendants application to be excused from personal appearance at the
13 settlement conference (Dkt. No. 45) is denied.

14 2. Counsel for defendants shall appear at the settlement conference on
15 June 21, 2011, at 9:00 a.m., in Courtroom 25. As provided in Local Rule 270(f)(1), defendants’
16 “counsel shall be accompanied in person by a person capable of disposition, or shall be fully
17 authorized to settle the matter at the settlement conference on any terms.”

18 IT IS SO ORDERED.

19 DATED: June 16, 2011

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23 KENDALL J. NEWMAN
24 UNITED STATES MAGISTRATE JUDGE

25 KJN:nkd