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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERMAINE PADILLA,  
Plaintiff,  
v.  
JEFFREY BEARD, et al.,  
Defendants.

No. 2:14-cv-1118-KJM-CKD

ORDER

Presently before the court is plaintiff's *ex parte* request to permit both him and his counsel to appear at the settlement conference before the undersigned currently set for May 2, 2016, via remote videoconference. (ECF No. 118.) Plaintiff filed this request pursuant to the undersigned's March 31, 2016 order permitting plaintiff to file such a request provided that he "provide good cause for why [his] attendance via video would be beneficial to[his] participation in that proceeding and why that means of attendance would not unduly hinder the settlement process." (ECF No. 113 at 4.) For the reasons discussed below, plaintiff's request is denied.

Plaintiff contends that good cause exists for permitting his appearance via videoconference because attendance at the settlement conference via such remote means would appropriately accommodate his psychiatric disability, therefore enhancing plaintiff's ability to meaningfully participate in the settlement process. More specifically, plaintiff argues that he is now housed in a residential treatment program in Ventura County and that having a consistent

1 environment during his treatment there will assist in the stabilization and improvement of his  
2 mental condition. Plaintiff asserts that travel from Ventura County to Sacramento to attend the  
3 settlement conference in person would jeopardize this stabilization and would likely prove  
4 detrimental to the parties' efforts to resolve this case.

5 Plaintiff also contends that his counsel's attendance via video conference would be  
6 beneficial because it would allow him and his counsel to easily and confidentially consult prior to  
7 and throughout the conference. He also asserts that it would allow his counsel to more easily  
8 provide appropriate legal assistance because she would be better able to readily assess plaintiff's  
9 physical and mental state and determine whether breaks will be needed to accommodate  
10 plaintiff's mental condition. Finally, plaintiff contends that his counsel's presence with him via  
11 videoconference would give his counsel a greater ability to address any logistical issues that may  
12 arise.

13 Plaintiff represents that defendants' counsel has expressed a willingness to stipulate to  
14 plaintiff's appearance via videoconference, but not with regard to plaintiff's counsel's appearance  
15 via that means. However, defendants' counsel also expressed that defendants will not formally  
16 object to or otherwise oppose plaintiff's request.

17 As an initial matter, the undersigned notes that the previous order permitting plaintiff to  
18 file a request to appear at the settlement conference via videoconference pertained to plaintiff's  
19 attendance only; that order did not permit plaintiff to make a similar request with regard to his  
20 counsel. (See ECF No. 113.) Accordingly, plaintiff's request is denied insofar as it relates to his  
21 counsel's attendance via videoconference. While the undersigned acknowledges the potential  
22 advantages plaintiff asserts with regard to having his counsel in the same physical location as  
23 him, such arguments are moot because the undersigned also finds that plaintiff fails to provide  
24 good cause for his own attendance via videoconference for the reasons discussed below.

25 First, while plaintiff notes that consistency of environment is a factor in his treatment at  
26 his new care facility, he also represents that his facility only requires new treatment program  
27 residents to not leave the facility except for medical appointments for the first two weeks. Based  
28 on plaintiff's representations, he will have been a resident of that facility for a period greater than

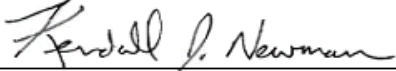
1 two weeks by May 2, 2016, thus indicating that plaintiff's travel to and attendance at the  
2 settlement conference may not impede his treatment progress to the degree plaintiff asserts.  
3 Furthermore, as the undersigned has noted in previous orders, plaintiff's in-person attendance at  
4 the settlement conference would assist in the settlement process to a degree that his availability by  
5 remote means would not. Furthermore, because plaintiff's counsel must attend in-person,  
6 plaintiff's attendance via remote means would cause additional logistical difficulties regarding his  
7 counsel's ability to confidentially consult with him, monitor his physical and mental state, and  
8 generally provide appropriate legal assistance. In short, the undersigned finds that the benefit of  
9 plaintiff's in-person attendance outweighs the potential burden plaintiff demonstrates with regard  
10 to the potential impact on his mental health treatment. Accordingly, plaintiff's request is denied.

11 Based on the foregoing, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff's *ex parte* application to appear at the May 2, 2016 settlement conference via  
13 videoconference (ECF No. 118) is DENIED.
- 14 2. Plaintiff and his counsel shall appear at the May 2, 2016 settlement conference before  
15 the undersigned in person.

16 IT IS SO ORDERED.

17 Dated: April 21, 2016

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20 KENDALL J. NEWMAN  
21 UNITED STATES MAGISTRATE JUDGE  
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