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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KATHRYN THAUT et al.,
Plaintiffs,
v.
K. HSIEH, et al.,
Defendants.

No. 2:15-cv-0590-JAM-KJN PS

ORDER

On July 1, 2015, plaintiffs filed a request for an order either submitting defendants’ two pending motions to dismiss on the briefs submitted by the parties or granting plaintiffs the ability to appear telephonically at the July 16, 2015 hearing on defendants’ motions to dismiss. (ECF No. 27.) With regard to the request to appear telephonically, plaintiffs request that the court permit plaintiff David Edwards be allowed to appear telephonically from California State Prison – Solano “to speak for the other plaintiffs in this case.” (Id. at 2.) Plaintiffs further request that David Edwards also be permitted to appear telephonically on plaintiffs’ behalf at the initial scheduling conference, which is currently scheduled for August 6, 2015, at 10:00 a.m. (Id.)

Based on a review of the parties’ briefing regarding defendants’ motions to dismiss that has been filed thus far, the court finds that oral argument will likely materially aid in the disposition of defendants’ motions. Accordingly, plaintiffs’ request that the court submit defendants’ motions on the parties’ briefs is denied. If the court believes that oral argument

1 would not materially aid in deciding defendants' motions after the briefing on this matter has
2 been completed, the court will submit this matter on the briefs *sua sponte* via minute order.

3 Plaintiffs' request to appear telephonically at the July 16, 2015 hearing on defendants'
4 motions to dismiss, however, is with merit given plaintiffs' distance from the court's location and
5 David Edwards' incarceration. However, plaintiffs' request that only David Edwards appear on
6 behalf of all plaintiffs will not be granted. Because David Edwards is not an attorney, he may not
7 appear on behalf of the other plaintiffs in this action. See C.E. Pope Equity Trust v. United
8 States, 818 F.2d 696, 697 (9th Cir. 1987). As with the other plaintiffs, he may appear in this
9 action only on his own behalf. Accordingly, the court grants plaintiffs' request to appear
10 telephonically at the July 16, 2015 hearing, but informs them that ***each individual plaintiff must***
11 ***make a telephonic appearance at the hearing on his or her own behalf. Plaintiffs are directed***
12 ***to call the undersigned's courtroom deputy at (916) 930-4187 by no later than 10:00 a.m. on***
13 ***July 16, 2015, in order to make their appearances and begin the hearing. Furthermore,***
14 ***plaintiff David Edwards is informed that he shall make arrangements with the staff at***
15 ***California State Prison – Solano to ensure that he is able to call in to the court by no later than***
16 ***10:00 a.m. on the date of the hearing.***

17 With respect to plaintiffs' request to make a telephonic appearance at the August 6, 2015
18 initial scheduling conference, the court will deny this request at this time without prejudice. If
19 plaintiffs still wish to appear telephonically at this conference after the July 16, 2015 hearing on
20 defendants' motions to dismiss, they may file a separate request.

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

- 22 1. Plaintiffs' request to submit defendants' motions to dismiss on the briefing is
23 denied.
- 24 2. Plaintiffs' request to appear telephonically at the hearing on defendants' motions
25 to dismiss set for July 16, 2015, at 10:00 a.m. (ECF No. 27) is granted. Plaintiffs are informed
26 that each of them shall call the undersigned's courtroom deputy at (916) 930-4187 by no later
27 than 10:00 a.m. on July 16, 2015, in order to make their appearances and begin the hearing.


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3. Plaintiffs' request to appear telephonically at the initial scheduling conference set for August 6, 2015, at 10:00 a.m., is denied without prejudice to later renewal.

IT IS SO ORDERED.

Dated: July 6, 2015


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE