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28IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GARY B. MOORE,

No. C 04-1749 MMC

Plaintiff,

**ORDER RE: NOVEMBER 7, 2008  
CASE MANAGEMENT CONFERENCE**

v.

OFFICERS S. ZEPPA, T. JACKSON,  
HEMBREE, LLAMAS #1119,  
SERGEANTS M. BIRCH AND CLARK,Defendants.  
\_\_\_\_\_ /

Before the Court is the parties' Updated Joint Case Management Conference Statement, filed October 28, 2008, wherein the parties request that they be excused from appearing as there have been "no new developments that would necessitate an in-person discussion." (See Updated Joint Statement at 2:3-6.)

Trial in the instant matter is currently scheduled to begin February 9, 2009. The Court anticipates, however, that a capital murder trial, if it goes forward as scheduled, will take precedence over the trial in the instant action.

Accordingly, the parties' request is hereby GRANTED in part. Specifically, to the extent the parties seek to be excused from attending the November 7, 2008 Case Management Conference "in person," the request is GRANTED; the Court will allow the parties to appear by telephone in lieu of such appearance in court.

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In the interim, the parties shall meet and confer with respect to whether they will consent to have this case assigned for all purposes to a Magistrate Judge of their mutual choice, and with respect to any other considerations prompted by the above-noted potential conflict in this Court's trial calendar.

**IT IS SO ORDERED.**

Dated: October 30, 2008

  
MAXINE M. CHESNEY  
United States District Judge