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11 Attorneys for Defendant
 12 BLOCKBUSTER INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

16 DINO WILBURN, an individual, on behalf
 of himself and others similarly situated

17 Plaintiff,

18 vs.

19 BLOCKBUSTER INC., and DOES 1
 20 through 25, inclusive,

21 Defendant.

Case No. 3:08-CV-01249-JSW

~~[PROPOSED]~~ ORDER EXCUSING
 DEFENDANT BLOCKBUSTER, INC'S
 ATTENDANCE AT EARLY NEUTRAL
 EVALUATION PURSUANT TO ADR
 LOCAL RULE 5-10(d)

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 23 Defendant Blockbuster Inc. ("Blockbuster") seeks to be allowed to telephonically attend
 24 and be excused from personally attending the Early Neutral Evaluation scheduled for 1 p.m.
 25 December 19, 2008 in San Francisco, California. Blockbuster's representative has a previously-
 26 scheduled obligation and requiring Blockbuster's representative to travel from Texas is
 27 unjustifiable given the small amount in controversy.

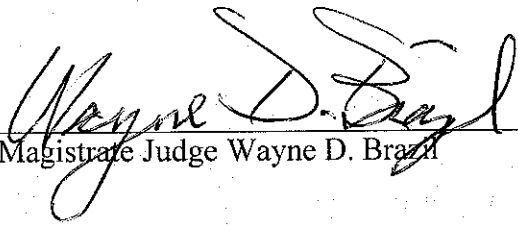
28 Accordingly, the Court hereby allows Blockbuster to telephone and not personally attend

1 the Early Neutral Evaluation scheduled for December 19, 2008.

2 IT IS SO ORDERED.

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December 5, 2008

By 
Magistrate Judge Wayne D. Brazil