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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAMES TALADA, III, *et al.*,

No. C-08-2771 WHA (EMC)

Plaintiffs,

v.

**ORDER EXCUSING PERSONAL  
ATTENDANCE AT SETTLEMENT  
CONFERENCE**

CITY OF MARTINEZ, *et al.*,

**(Docket No. 128)**

Defendants.

\_\_\_\_\_ /

By letter dated February 11, 2009, and inadvertently addressed to Magistrate Judge Wayne D. Brazil instead of this Court, Defendants DAVE CUTAIA and MARK SMITH requested to be excused from personally appearing at the settlement conference scheduled for February 17, 2009. No opposition was filed by any party.

Upon consideration of the request, the Court finds good cause for excusing personal attendance. Therefore, it is hereby ORDERED that Defendants DAVE CUTAIA and MARK SMITH be available on telephone standby from 9:30 a.m. Pacific Time until further notice on February 17, 2009.

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If the Court concludes that the absence of Defendants DAVE CUTAIA and MARK SMITH is impeding the settlement conference, the Court may continue the settlement conference and may order personal attendance by each party including Defendants DAVE CUTAIA and MARK SMITH.

This order disposes of Docket No. 128.

IT IS SO ORDERED.

Dated: February 12, 2009

  
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EDWARD M. CHEN  
United States Magistrate Judge