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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BARRIE D. SANDY,)
)
Plaintiff(s),)
)
v.)
)
MARK C. MCCLURE, et al.,)
)
Defendant(s).)
_____)

No. C08-3052 SC (BZ)

**ORDER DENYING REQUEST TO BE
EXCUSED FROM PERSONAL
ATTENDANCE AT SETTLEMENT
CONFERENCE**

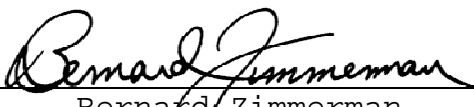
Before the Court is the request of defendants Mark C. McClure and Paula R. Wallem to be excused from attending the May 26, 2009 settlement conference on the grounds of financial hardship. Plaintiff has filed an opposition. Having reviewed these documents, **IT IS HEREBY ORDERED** that the request to be excused from personal attendance is **DENIED** for the following the reasons:

1. The request is not timely. The settlement conference order requires that the request be made as soon as possible. The settlement conference order was issued on January 27, 2009 and the request was not made until May 19, 2009.
2. The principal grounds for the request is that it

1 would cost about \$3,000 to attend the conference. The Court
2 has determined that had travel arrangements be made in timely
3 fashion, a round trip ticket from Portland to San Francisco
4 could have been obtained for well under \$500.00 per ticket.
5 This is consistent with plaintiffs' claim that a ticket costs
6 about \$370.00. The Court can only assume that the defendants
7 did not book their tickets promptly.

8 For this and other reasons set forth in the opposition,
9 the Court concludes that for a settlement conference to be
10 productive, the defendants should personally attend and the
11 attendance does not amount to a serious financial hardship.
12 Their request to be excused is **DENIED**.

13 Dated: May 22, 2009

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15 _____
16 Bernard Zimmerman
17 United States Magistrate Judge

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