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UNITED STATES DISTRICT COURT  
Northern District of California  
San Francisco Division

THOMAS MICCIO,  
Plaintiff,

No. C 10-3976 EMC

v.

**ORDER RE: ATTENDANCE**

TANIA MICCIO,  
Defendant.

Date: March 9, 2011  
Mediator: Harold McElhinny

IT IS HEREBY ORDERED that plaintiff's request for an emergency phone call with the court and defendants to seek permission for plaintiff Thomas Miccio to attend the March 9, 2011 ENE before Harold McElhinny is DENIED. The proper procedure for seeking permission to be excused from attending an ENE in person is clearly set forth in ADR L.R. 5-10(d).

Because of the late date of the request, however, the court has considered plaintiff's request, and finds that, especially in light of defendant's offer to contribute to the cost of plaintiff's travel expenses, Mr. Miccio has not made an adequate showing that his being required to attend the ENE in person would cause his 'extraordinary or otherwise unjustifiable hardship' as required by ADR L.R. 5-10(d). Accordingly, the request to excuse Thomas Miccio from personally attending the March 9, 2011 ENE before Harold McElhinny is DENIED.

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Given the extremely late date of the request, the court urges the parties seek an extension of the deadline to complete ENE from Magistrate Judge Chen to allow Mr. Miccio additional time to make his travel arrangements.

IT IS SO ORDERED.

March 7, 2011

By:

*Elizabeth D. Laporte*

Dated

Elizabeth D. Laporte  
United States Magistrate Judge