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7	UNITED STATES DISTRICT COURT		
8	Northern District of California		
9	San Francisco Division		
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11	MARK PARADISE, Plaintiff,	No. C 11-0375 R	S
12	V.	SECOND ORD	ER RE: ATTENDANCE
13	JASON FERGUSON, et al.,		
14	Defendants.	Date: Evaluator:	August 8, 2011 Randolph Hall
15		/	
16	Before the court is a petition to rec	consider the ruling on defendant	Iason Ferguson's request
17	Before the court is a petition to reconsider the ruling on defendant Jason Ferguson's request to appear telephonically at the ENE session scheduled for August 8, 2011. Having considered the		
18	request, the court maintains that Mr. Ferguson's presence at the ENE session is required, and		
19	DENIES the request for reconsideration.		
20	The request for reconsideration draws a parallel between the request made on behalf of		
21	defendant Brian Martin and the one made on behalf of defendant Ferguson. On a surface level, the		
22	requests are similar, but the court believes strongly that in order for the ENE to be of maximum		
23	benefit to the parties, the individuals with the most direct experience of the events in question must		
24	be present. As the arresting officer in this case, Mr. Ferguson is uniquely qualified to provide an		
25	explanation of the events in question from his perspective.		
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UNITED STATES DISTRICT COURT For the Northern District of California

1 2 3 4 5 6 7 8 9 10	Additionally, while the court understands and regrets that Mr. Ferguson will be   inconvenienced by his being required to attend the session, the court does not, in general, view travel   time and expense as fulfilling the 'extraordinary or otherwise unjustifiable hardship' requirement of   ADR L.R. 5-10(d).   For these reasons, the court DENIES Mr. Ferguson's request to appear telephonically at the   ENE session.   IT IS SO ORDERED.   August 4, 2011 By:
11 12	Dated Elizabeth D. Laporte United States Magistrate Judge
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