

UNITED STATES DISTRICT COURT  
Northern District of California  
San Francisco DivisionMARK PARADISE,  
Plaintiff,

No. C 11-0375 RS

v.

**SECOND ORDER RE: ATTENDANCE**JASON FERGUSON, et al.,  
Defendants.Date: August 8, 2011  
Evaluator: Randolph Hall

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 request, the court maintains that Mr. Ferguson's presence at the ENE session is required, and DENIES the request for reconsideration.

The request for reconsideration draws a parallel between the request made on behalf of defendant Brian Martin and the one made on behalf of defendant Ferguson. On a surface level, the requests are similar, but the court believes strongly that in order for the ENE to be of maximum benefit to the parties, the individuals with the most direct experience of the events in question must be present. As the arresting officer in this case, Mr. Ferguson is uniquely qualified to provide an explanation of the events in question from his perspective.

///

///

For these reasons, the court DENIES Mr. Ferguson's request to appear telephonically at the ENE session.

August 4, 2011

By:

Elijah D. Leppert

Elizabeth D. Laporte  
United States Magistrate Judge