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8 Attorney for Defendant,
9 BENEFITS MANAGEMENT, INC.

10 UNITED STATES DISTRICT COURT
11 FOR THE
12 NORTHERN DISTRICT OF CALIFORNIA

13 VANCE S. ELLIOTT,
14 Plaintiff,
15 v.
16 BENEFITS MANAGEMENT CORPORATION,
17 Defendants

CASE NO.: 13-CV-02964-WHO

DEFENDANT BENEFITS
MANAGEMENT INC.'S REQUEST
TO APPEAR TELEPHONICALLY
AT THE HEARING FOR
DEFENDANT'S MOTION TO
DISMISS FOR FAILURE TO STATE
A CLAIM UPON WHICH LEAVE
CAN BE GRANTED F.R.C.P. RULE
12(b)(6); REQUEST FOR MORE
DEFINITE STATEMENT F.R.C.P. §
12(e) AND MOTION FOR
REMAND 28 U.S.C.
§ 1447(C)

Date: December 11, 2013
Time: 2:00 p.m.
Place: Courtroom 2, 17th Floor
Hon.: William H. Orrick

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22 TO THE HONORABLE WILLIAM H. ORRICK:

23 Defendant, Benefits Management Corporation hereby request permission
24 from the Court to appear telephonically at the Hearing on December 11, 2013 at
25 2:00 p.m. regarding Defendant's Motion to Dismiss For Failure to State a Claim
26 Upon Which Leave Can Be Granted F.R.C.P. Rule 12(b)(6); Request For More
27 Definite Statement F.R.C.P. § 12(e) And Motion For Remand 28 U.S.C. § 1447(C).

1 Defense counsel request a telephonic appearance due to the following:

- 2 1) Plaintiff has failed to file an Opposition.
3 2) Plaintiff has failed to contact Defendant, Benefits Management
4 Corporation.
5 3) It would be a needless and potential waste of time and resources to
6 expend five hours or more of my client's money traveling to and
7 from San Francisco to argue an unopposed motion.

8 Again, defendant, Benefits Management Corporation, would like to remind
9 the Court that no opposition was filed by Plaintiff, Vance S. Elliot, to Defendant's
10 motion to dismiss for failure to state a claim upon which leave can be granted, a
11 request for a more definite statement and that this matter be remanded to the
12 State Court. Defense counsel has not had any communication with the Plaintiff
13 since the filing of the motion.

14 Accordingly, this moving defendant, would request that the Court Grant its
15 request to appear by telephone at the upcoming Hearing.

16 Dated: December 6, 2013 Respectfully submitted,
17 EVERS LAW GROUP, A Professional Corporation

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19 BY: /s/ Geoffrey O. Evers
20 Geoffrey O. Evers

21 Attorney for BENEFITS MANAGEMENT, INC.

22 Defendant's request is hereby GRANTED to appear telephonically at the
23 Hearing for Motion to Dismiss For Failure to State a Claim Upon Which Leave Can
24 Be Granted F.R.C.P. Rule 12(b)(6); Request For More Definite Statement F.R.C.P.
25 § 12(e) And Motion For Remand 28 U.S.C. § 1447(C).

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27 Date: December 10, 2013

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Hon. William H. Orrick