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Attorneys for Defendants FEDERAL CROP
INSURANCE COMPANY and RISK MANAGEMENT AGENCY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOHN VAN CUREN, as Trustee of the Chapter) Case No. CV-13-04601-CRB
11 Estate of MICHAEL HAT, a/k/a MICHAEL)
HAT FARMING COMPANY,)

Plaintiff,

v.

FEDERAL CROP INSURANCE)
CORPORATION and RISK MANAGEMENT)
AGENCY,)

Defendants.

**REQUEST TO PERMIT COUNSEL TO
APPEAR AT CMC BY TELEPHONE;
ORDER**

Date: June 24, 2016
Time: 10:00 a.m.
Courtroom: 6, 17th Floor
Judge: Hon. Charles R. Breyer

1 **I. INTRODUCTION**

2 Defendants' undersigned counsel hereby requests permission to appear by telephone at the case
3 management conference scheduled for June 24, 2016 at 10:00 a.m. The reason for the request is
4 counsel's attendance at a deposition in another case out of state on June 24, 2016. The undersigned
5 counsel regrets the scheduling error and apologizes to the Court. Counsel for plaintiff does not oppose
6 this request.
7

8 **II. DISCUSSION**

9 Counsel for the parties recently met and conferred regarding the current status of this litigation
10 following the Ninth Circuit's recent decision dated June 2, 2016. Counsel agreed to request a status
11 conference by stipulation.

12 From June 14-16, 2016, the undersigned counsel was out of state assisting in the care of his
13 elderly father. On June 14, 2016, plaintiff's counsel graciously provided a draft stipulation to the
14 undersigned. On June 15, 2016, defense counsel agreed to the proposed date of June 24, 2016.
15 Plaintiff's counsel filed the stipulation the next day.
16

17 The undersigned has a conflict on June 24, 2016 that should have caused him to request another
18 agreed upon date. He is traveling to Kansas on June 23-24, 2016 for a deposition in another case; the
19 deposition has been scheduled for several weeks and is taking place pursuant to an order following
20 motion proceedings. Counsel apologizes for not realizing the scheduling error before the filing of the
21 parties' recent stipulation.
22

23 Earlier this morning, the undersigned realized his scheduling error, contacted plaintiff's counsel,
24 explained the situation and provided a draft form of a stipulation to postpone the case management
25 conference to another mutually agreeable date. Once the Court's order was received this afternoon,
26 counsel met and conferred and agreed that this request would be acceptable. (The only alternate date for
27 a CMC counsel could identify on their respective schedules in the near term was Tuesday, June 28,
28 2016.)

1 Under Civil Local Rule 16-10, requests to participate in case management conferences by
2 telephone are to be filed and served seven days before the conference. In this case, however, counsel
3 did not realize the scheduling error until this morning. In light of the foregoing, the undersigned counsel
4 requests permission to attend the CMC by telephone at 10:00 a.m.

5
6 **III. CONCLUSION**

7 Counsel respectfully requests permission to appear telephonically at the June 24, 2016 case
8 management conference.

9 DATED: June 22, 2016

Respectfully submitted,

10 BRIAN J. STRETCH
11 United States Attorney

12 /s/ Jonathan U. Lee
13 JONATHAN U. LEE
14 Assistant United States Attorney
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ORDER

The request to appear telephonically is granted.

Date: June 21, 2016



Hon. Charles R. Breyer
UNITED STATES DISTRICT JUDGE