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2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
4

5 TODD L. ASHKER,

6 Plaintiff,

7 v.

8 MICHAEL C. SAYRE, et al.,

9 Defendants.  
10 \_\_\_\_\_/

No. C 05-03759 CW

ORDER FOR FURTHER  
BRIEFING ON VIDEO-  
CONFERRING AND FOR  
PLAINTIFF TO FILE  
TRIAL BRIEF

11 On February 27, 2009, the Court granted Defendants' motion for  
12 Plaintiff to appear by video-conference at trial on the condition  
13 that Defendants and their counsel also appear by video-conference.  
14 The Court also provided the option of the parties consenting to a  
15 jury trial by Magistrate Judge Nandor Vadas in Eureka, California.  
16 On March 5, 2009, Defendants sent a letter indicating that  
17 Plaintiff does not agree to a trial before Magistrate Judge Vadas  
18 and that they oppose the suggestion that they appear by video-  
19 conference because they have a fundamental right to appear  
20 personally and defend themselves. However, Defendants did not cite  
21 authority establishing that they have such a fundamental right.

22 In their letter, Defendants also raised several specific  
23 questions regarding video-conferencing. On March 23, 2009,  
24 Plaintiff submitted a letter making requests regarding video-  
25 conferencing. To begin with, if the parties have a request to make  
26 of the Court, they must file and serve noticed motions pursuant to  
27 Civil Local Rule 7-2 or 7-11 (Administrative Motion). They may not  
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1 write letters to the Court.

2 The parties' letters do not address a number of issues  
3 regarding video-conferencing, such as who would arrange, find space  
4 and pay for the video-conferencing equipment, both at Pelican Bay  
5 State Prison (PBSP) and in this courtroom. Defendants have not  
6 addressed Plaintiff's suggestion of having witnesses who live near  
7 PBSP testify from there via video-conference and having witnesses  
8 who live in the San Francisco Bay Area testify in the courtroom.

9 Therefore, the parties are ordered to file short briefs  
10 addressing these issues. Defendants are to file their brief within  
11 five days from the date of this order. They should include  
12 authority for the proposition that they have a right to appear in  
13 person at trial. Plaintiff is to file his responsive brief five  
14 days thereafter. If Defendants wish to file a reply, they may do  
15 so two days thereafter.

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17 IT IS SO ORDERED.

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19 Dated: 4/14/09

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CLAUDIA WILKEN  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 ASHKER,

5 Plaintiff,

Case Number: CV05-03759 CW

**CERTIFICATE OF SERVICE**

6 v.

7 ALAMEIDA ET AL et al,

8 Defendant.  
\_\_\_\_\_ /

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,  
10 Northern District of California.

11 That on April 14, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
14 in the Clerk's office.

15 Todd A. Ashker C58191  
16 Pelican Bay State Prison  
17 Box 7500  
18 D1-119  
19 Crescent City, CA 95532

20 Dated: April 14, 2009

21 Richard W. Wieking, Clerk  
22 By: Sheilah Cahill, Deputy Clerk  
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27  
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