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June 30, 2011

LODGED AND SUBMITTED VIA E-MAIL

The Honorable Jacqueline Scott Corley
United States Magistrate Judge
Northern District of California
Federal Building
450 Golden Gate Avenue, 15th Floor
San Francisco, CA 94102

RE: ***Linda Terrell v. Harder Mechanical Contractors, Inc., et al.***
United States District Court Case No. CV 10 1080 CW (DMR)
Application to Excuse Defendant Arceneaux from Participation in
Settlement Conference

Dear Judge Corley:

Defendants Fluor Constructors International Inc. ("FCII") and Eugene Arceneaux ("Arceneaux") (collectively "Defendants") write to request that Defendant Arceneaux be excused from participating in the settlement conference scheduled for July 8, 2011 which was referred to you for settlement purposes by Judge Wilken on June 27, 2011. Mr Arceneaux resides in Beaumont, Texas. He is 71 years old. He was injured in an accident and is scheduled to undergo surgery in Texas on July 11, 2011. Counsel for Defendants has been advised that prior to the scheduled surgery, Mr. Arceneaux may be undergoing additional medical tests in preparation for the surgery and his doctor has advised him not to travel at this time. In addition, Arceneaux will also be unable to travel or work for four to six weeks following the surgery. Due to the nature of the injury and his symptoms, Mr. Arceneaux has been told that the surgery should not be delayed. Therefore he will not be available to travel to San Francisco for the settlement conference. However, Mr Arceneaux should be able to be available on July 8 telephonically. He will be in the hospital for some time after the July 11 surgery.

FCII was Arceneaux's employer during the period of time relating to the issues in this case. FCII and Arceneaux are jointly represented. FCII has full authority to engage in settlement negotiations on behalf of FCII and Arceneaux at the settlement conference. A representative of FCII will be personally present at the settlement conference.

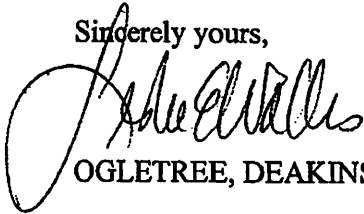
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Defendants FCII and Arceneaux have asked whether the other parties to this action had any objection to Arceneaux's absence from the settlement conference. Counsel for Defendant Harder has advised that they have no objection to excusing Arceneaux's participation. Counsel for Plaintiff has stated that Plaintiff does object to the non-attendance of any party including Arceneaux. However Plaintiff's counsel has also stated that Plaintiff "may withdraw that objection if Mr. Arceneaux's surgeon provides a letter stating that Mr. Arceneaux cannot medically travel at the present time due to the surgery and that the surgery cannot be postponed."

Mr. Arceneaux has contacted his physician's office to request that he be provided with a doctor's note if the court deems that such is necessary. Unfortunately, his physician is away this week and therefore Mr. Arceneaux cannot provide a letter at this time. However, Mr. Arceneaux has an appointment to see his physician on Tuesday, July 5 and will request a letter from his physician at that time.

Defendants therefore respectfully request that Defendant Arceneaux be excused from participating at the settlement conference in San Francisco on Friday, July 8. Defendants further request that the court advise whether it will require further documentation from Mr. Arceneaux's physician in advance of the settlement conference.

Sincerely yours,



OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

For Defendants Fluor Constructors
International, Inc. and Gene Arceneaux

Lori A. Bowman
Leslie E. Wallis

cc : Lawrence Murray ; John Henning
Pamela Woodside, Elizabeth Williams

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Said request is granted, provided that Mr. Arceneaux's surgeon can submit a letter to the Court on or before July 7, 2011.

Dated: July 5, 2011

