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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

CHESTER MILLER and BETTY MILLER,
 Plaintiffs,

vs.

CITY OF MENLO PARK, a governmental
 entity; RAY SAMUELS, in his capacity
 as Interim Chief of Police for CITY OF
 MENLO PARK; JEREMY FOY;
 CRISTELA SOLORZANO; MATTHEW
 ORTEGA; RON VENZON; SCOTT
 MACKDANZ; and DOES 5-25,
 individually, and in their capacity as police
 officers for CITY OF MENLO PARK,

Defendants.

CASE NO: C 11-00543 CW

**MOTION FOR ORDER EXCUSING
 OFFICERS JEREMY FOY; CRISTELA
 SOLORZANO; RON VENZON; AND
 SCOTT MACKDANZ FROM
 ATTENDANCE AT THE MANDATORY
 SETTLEMENT CONFERENCE SET ON
 MARCH 30, 2012; AND**

ORDER

Date: March 30, 2012
 Time: 11:00 a.m.
 Judge: Hon. Donna M. Ryu

Defendants, OFFICERS JEREMY FOY, CRISTELA SOLORZANO, RON VENZON,
 SCOTT MACKDANZ and the CITY OF MENLO PARK respectfully request, pursuant to ADR
 L.R. 6-9(d), that OFFICERS JEREMY FOY, CRISTELA SOLORZANO, RON VENZON and
 SCOTT MACKDANZ be excused from attendance at the scheduled settlement conference
 set on March 30, 2012, before the Honorable Judge Donna M. Ryu.

These individually named defendants are police officers who were employed by the
 City of Menlo Park at the time of the alleged wrongdoing, which forms the basis of plaintiffs'
 complaint.

1 The City of Menlo Park is obligated under California Government Code Section 825,
2 to offer a defense to the officers if the officers so agree. Each officer listed as a defendant
3 in this case has agreed to have the City of Menlo Park pay for and handle the defense in this
4 matter on their behalf. Said section further provides that the governmental entity "shall pay
5 any judgment based thereon or any compromise or settlement of the claim or action to which
6 the public entity has agreed." Settlement authority, therefore resides with the City of Menlo
7 Park, and not with the individually named police officers.

8 The City of Menlo Park and its officers will be represented during the Mandatory
9 Settlement Conference ("MSC") by John L. Flegel, of the law firm of Jorgenson, Siegel,
10 McClure & Flegel, LLP. The City of Menlo Park will additionally have present during the
11 settlement conference its in-house claims representative, John McGirr. In addition, the City
12 of Menlo Park has excess insurance through a third party carrier, Bay Cities Joint Powers
13 Insurance Authority, located in Sacramento, California. Rodger Hayton, a representative for
14 the City of Menlo Park's excess insurance carrier, will be present at the settlement conference
15 with full settlement authority. Sergeant Matthew Ortega, who is also a named defendant, will
16 also attend the conference.

17 Plaintiffs' counsel Gayla B. Libet and John L. Burris have no objection to the officer
18 defendants being excused from the settlement conference.

19 Each officer agrees *to be available by telephone* if they are excused from
20 appearance at the conference.

21 Furthermore, attendance at the conference would impose an unjustifiable hardship
22 on the aforementioned officers and the Menlo Park Police Department. The Menlo Park
23 Police Department is currently understaffed and it is likely that the officers would have to miss
24 a scheduled patrol shift to attend the conference. Therefore, not only would it be inconvenient
25 for the officers to attend the conference, it would also affect the City of Menlo Park by causing

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1 either a vacancy for a patrol shift or would cause other officers to have to work overtime to
2 cover the shifts. In either situation, the City of Menlo Park would be required to pay double-
3 time for an officer.

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5 Dated: March 12, 2012

JORGENSON, SIEGEL
McCLURE & FLEGEL, LLP

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8 By: _____ / s /
9 Nicolas A. Flegel
10 Attorneys for JEREMY FOY, CRISTELA
11 SOLORZANO, MATTHEW ORTEGA, RON
12 VENZON and SCOTT MACKDANZ

13 **THEREFORE, IT IS HEREBY ORDERED:**

14 The Court, having read and considered the request and good cause being shown,
15 hereby grants the request of defendants to excuse OFFICERS JEREMY FOY, CRISTELA
16 SOLORZANO, RON VENZON and SCOTT MACKDANZ from attendance at the Mandatory
17 Settlement Conference set on Friday, March 30, 2012, at 11:00 a.m.. The officers are
18 ordered to make themselves available by telephone during the entire conference.

19 Dated: March 12, 2012 _____

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Magistrate Judge Donna M. Ryu
United States District Court

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the **MOTION FOR ORDER EXCUSING OFFICERS JEREMY FOY; CRISTELA SOLORZANO; RON VENZON; AND SCOTT MACKDANZ FROM ATTENDANCE AT THE MANDATORY SETTLEMENT CONFERENCE SET ON MARCH 30, 2012; AND [PROPOSED] ORDER** on behalf of Defendants JEREMY FOY, CRISTELA SOLORZANO, RON VENZON and SCOTT MACKDANZ, with the Clerk of the Court for the United States District Court for the Northern District of California, Oakland Division by using the Northern District's CM/ECF system on March 12, 2012.

I certify that all participants in the case are registered CM/ECF users and that service was accomplished by the CM/ECF system to email addresses:

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/ s /
Robin Riggins