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March 19, 2014

Magistrate Judge Marina-Elena James
United States District Court – Oakland Division

Re: Hatfield v. Durkin, M.D., et al.
Case No. CV 11 2396 PJH

Dear Judge James:

This is in response to plaintiffs' counsel's letter of March 17, 2014. While we appreciate plaintiffs' counsel's opinion that Dr. Durkin is a "successful doctor", we also recognize that plaintiffs' counsel is simply not in a position to assert that Dr. Durkin's travel from Virginia to the *Fourth* Settlement Conference in California will not cause him a financial hardship.

Importantly, Dr. Durkin has already participated in three other Settlement Conferences, has been deposed twice and has fully evaluated plaintiffs' case against him. Dr. Durkin has offered \$9,999.00 in settlement of this case. He will not offer anything beyond \$9,999.00 because he believes his liability exposure is very limited. Further, a settlement of \$10,000 or more would require him to report the settlement to the Virginia Board of Medicine. As such, plaintiffs' demand that Dr. Durkin incur between \$5,000 and \$10,000 in travel and other related costs is not reasonable under the circumstances.

Dr. Durkin will be able to evaluate any settlement demand made by plaintiffs as to him readily by telephone, in lieu of a time-consuming and expensive personal appearance. Thank you for your consideration.

Very truly yours,



SCOTT R. KANTER

SRK:dmj/988-15

LMagistrate.SC.3.18.14.wpd D:3/10/14

cc: Michael Green, Esq.
Dale Allen, Jr., Esq.
Denise Ellen Billups-Slone, Esq.
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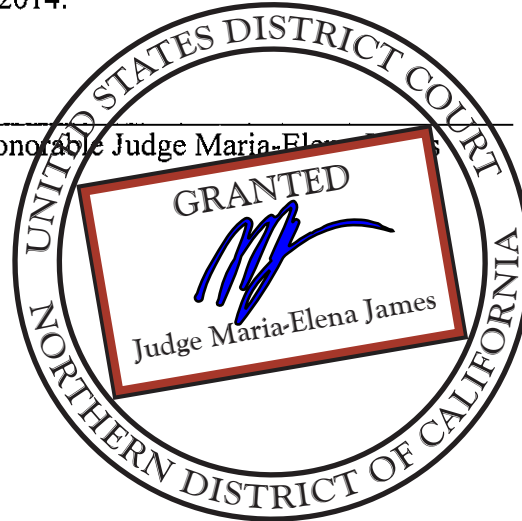
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Re: Hatfield v. Durkin, M.D., et al.

~~PROPOSED~~ ORDER GRANTING TELEPHONIC APPEARANCE

IT IS HEREBY ORDERED that William Durkin, M.D., may be on telephone standby for the Settlement Conference scheduled for April 29, 2014.

Dated: 4/28/2014

Honorable Judge Maria-Elena James



This request is GRANTED. Dr. Durkin is excused from appearing in person at the settlement conference. However, Dr. Durkin shall make himself available by phone. Counsel for Dr. Durkin shall bring a phone number at which his client, Dr. Durkin may be reached should the need arise.

However, Dr. Durkin is hereby advised that, should the case not settle and a further settlement conference be scheduled, Dr. Durkin will be required to appear in person at the further settlement conference, and sanctions may be imposed for failure to comply.

Dated: 4/28/2014