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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KAYLEIGH SLUSHER, et al,  
Plaintiffs,  
v.  
CITY OF NAPA, et al,  
Defendants.

Case No. [4:15-cv-02394-SBA](#) (DMR)  
ORDER RE PLAINTIFFS' MOTION  
REGARDING APPEARANCES OF  
BENNY SLUSHER AND JASON  
SLUSHER AT SETTLEMENT  
CONFERENCE  
Re: Dkt. Nos. 57, 58 and 59

The court has reviewed Plaintiffs' motion regarding Benny Slusher and Jason Slusher's appearances at the March 1, 2016 settlement conference. Benny Slusher's motion for telephonic appearance is granted. He must be available by telephone for the duration of the settlement conference. Jason Slusher's motion for issuance of a writ is denied without prejudice. Counsel shall submit a proper writ of habeas corpus ad testificandum that is addressed to the California Department of Corrections and Rehabilitation (CDCR), and that directs Mr. Slusher's transportation and production by the CDCR. The writ should indicate that Plaintiffs will pay the usual and customary charges for the CDCR's services. Once the court reviews and issues the writ, Plaintiffs must serve it on the CDCR. The court recommends that Plaintiffs communicate with the CDCR about the writ before serving it.

Although the CDCR is responsible for transporting and producing Mr. Slusher for the settlement conference, the United States Marshal Service (USMS) will provide logistical support within the courthouse. After consulting with the USMS, the court denies Jason Slusher's motion to wear civilian clothing during the settlement conference. The security risks raised by

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Mr. Slusher's request outweigh his wish to attend without wearing prison clothing. In reaching this conclusion, the court notes that Mr. Slusher will be attending a confidential settlement conference, and not a jury trial in which Mr. Slusher's physical appearance could prejudice a finder of fact.

**IT IS SO ORDERED.**

Dated: January 20, 2016



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Donna M. Ryu  
United States Magistrate Judge