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6 Attorneys for Plaintiff
 CX INC.

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA
 9 SAN JOSE DIVISION

10 CX INC. a Delaware Corporation,

11 Plaintiff,

12 v.

13 CLARINGTON CAPITAL GROUP LLC,
 14 a Montana Corporation,

15 Defendant.

Case No. 11-cv-5191

**REQUEST TO BE ALLOWED TO APPEAR
 BY TELEPHONE AT INITIAL CASE
 MANAGEMENT CONFERENCE**

AND

**~~[PROPOSED]~~ ORDER GRANTING
 REQUEST TO BE ALLOWED TO APPEAR
 BY TELEPHONE AT INITIAL CASE
 MANAGEMENT CONFERENCE**

Date: December 13, 2011
 Time: 2:00 p.m.
 Place: Courtroom 5, 4th Floor

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 21 Counsel for Plaintiff CX Inc. ("Plaintiff" or "CX") respectfully submits this request to be
 22 allowed to appear by telephone at the initial case management conference on December 13, 2011.
 23 Plaintiff's counsel had planned to appear in person, and for that reason did not submit this request
 24 prior to the normal deadline for doing so. But earlier this week, Plaintiff's counsel fell and
 25 suffered a fractured foot and a severely sprained ankle. Thereafter, Plaintiff's counsel was not
 26 immediately mobile, and after medical treatment is now required to use a prescription brace boot
 27 and is able to walk only very slowly and only using a cane or crutches. Plaintiff's counsel resides
 28 in the North Bay, and his office is in San Francisco.

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ORDER

The request by Plaintiff's counsel to appear by telephone at the December 13, 2011 Case Management Conference is hereby GRANTED.

IT IS SO ORDERED.

Dated: December 9, 2011


United States Magistrate Judge