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6 Attorneys for Defendants  
 Comcast Corporation and Comcast Cable Communications  
 7 Management, LLC

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

11 DAVIN MONTOYA,  
 12 Plaintiff,  
 vs.

13 COMCAST CORPORATION; COMCAST  
 14 CABLE COMMUNICATIONS  
 MANAGEMENT, LLC,  
 15 Defendants.

) Case No. 5:15-cv-02026-NC  
 )  
 ) Assigned for All Purposes To:  
 ) Magistrate Judge Nathanael Cousins  
 )  
 ) **DEFENDANTS' REQUEST FOR**  
 ) **TELEPHONIC APPEARANCE AT CASE**  
 ) **MANAGEMENT CONFERENCE;**  
 ) ~~PROPOSED~~ **ORDER CONTINUING**  
 ) **CASE MANAGEMENT CONFERENCE**  
 ) Date: March 23, 2016  
 ) Time: 10:00 a.m.  
 ) Ctrm: 7, 4th Floor  
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1 Pursuant to Civil L.R. 16-10(a), Defendants Comcast Corporation and Comcast Cable  
2 Communications Management, LLC (“Defendants” or “Comcast”) hereby respectfully request that  
3 the Court permit Mark S. Spring, lead counsel for Defendants, to appear by telephone at the Case  
4 Management Conference set for Wednesday, March 23, 2016 at 10:00 a.m.. Mr. Spring is  
5 scheduled to be on a prepaid, preplanned 5-day vacation in out of the country from March 19 to  
6 March 23, 2016. Teresa W. Ghali, who is the second chair attorney for Defendants, will appear in  
7 person at the March 23, 2016 CMC.

8 In the alternative, Defendants request the Court continue the Case Management Conference  
9 by two weeks to April 6, 2016, in which case Mr. Spring can appear in person.

10 Defendants request leave to allow Mr. Spring to appear telephonically because (a) he will  
11 be on a pre-planned trip out of the country at the time of the March 23, 2016 CMC, and (b) can  
12 make himself available by telephone at that time.

13 At the time the parties jointly requested a continuance of the CMC from February 24, 2016  
14 to March 23, 2016 (a request the Court subsequently granted), defense counsel did not realize that  
15 the requested date fell on a date when Mr. Spring would be out of the country. Defense counsel  
16 apologizes for this oversight. Defendants therefore request that the Court permit Mr. Spring to  
17 appear telephonically, with second chair attorney, Teresa Ghali appearing in person on March 23,  
18 2016. Plaintiff’s counsel has been informed of this request, and does not oppose it.

19 In the alternative, both lead counsel are available to personally appear for a CMC on April  
20 6, 2016.

21 Dated: March 2, 2016

CAROTHERS DISANTE & FREUDENBERGER LLP

22 By: /s/ Mark S. Spring  
23 Mark S. Spring

24 Attorneys for Defendants  
25 Comcast Corporation and Comcast Cable Communications  
26 Management, LLC

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**ALTERNATE ~~PROPOSED~~ ORDER**

Defendants request that Mark S. Spring be permitted to appear telephonically at the Case Management Conference on Wednesday, March 23, 2016 at 10:00 a.m. is denied. Instead the Case Management Conference is rescheduled for April 6, 2016 and Mr. Spring should appear in person at that time. Updated case management statement due March 30, 2016.

**IT IS SO ORDERED.**

Dated: March 3, 2016

