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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
GREGORY E. GRANTHAM, et al.,
Defendants.

Case No.: 17-cv-01104-LAB-JLB

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
MOTION TO EXCUSE PERSONAL
APPEARANCE AT EARLY
NEUTRAL EVALUATION
CONFERENCE**

[ECF No. 31]

Before the Court is Defendant Gregory E. Grantham's Motion to Excuse Personal Appearance of Defendant at the ENE Conference. (ECF No. 31.) Mr. Grantham states that he is currently incarcerated in Sheridan, OR, and that there is a strong likelihood that he will not be released until on or after January 24, 2018. (*Id.* at 2-3.) Accordingly, Mr. Grantham requests that he be excused from personally attending the December 19, 2017 Early Neutral Evaluation Conference (ENE). (*Id.* at 3-4.) Plaintiff responded to Mr. Grantham's motion on December 11, 2017. (ECF No. 32.) In its response, Plaintiff represents that it asked Mr. Grantham's prison counselor whether Mr. Grantham could be made telephonically available for the ENE. (*Id.* at 2.) Plaintiff represents that Mr.

1 Grantham's counselor responded that he could arrange for Mr. Grantham's telephonic
2 appearance at the ENE. (*Id.*)


3 Accordingly, Mr. Grantham's motion to excuse his personal appearance at the
4 ENE is **GRANTED in part**. It is hereby ordered that Mr. Grantham is excused from
5 personally attending the ENE and shall instead appear telephonically. Plaintiff shall
6 provide Mr. Grantham and his counselor with the telephone number of the Honorable Jill
7 L. Burkhardt's Chambers. The telephone number for Judge Burkhardt's Chambers is
8 (619) 557-6624. Mr. Grantham is ordered to call Judge Burkhardt's chambers on
9 **December 19, 2017 at 1:45 PM**.¹

10 Mr. Grantham's motion also references and attaches his previous Motion to Stay
11 Action (ECF No. 18). The Court construes this reference as a renewed motion to stay
12 this action. In his prior Motion to Stay Action, Mr. Grantham requested a stay because
13 he is currently incarcerated and does not have access to his business records, and as a
14 result, is unable to investigate the claims against him. (*Id.* at 5.) Mr. Grantham also
15 asserted that his incarceration would prevent him from participating in the ENE and other
16 case deadlines. (*Id.*) This renewed motion is **DENIED** as a pretrial scheduling order has
17 not yet issued and Mr. Grantham is available to appear at the ENE telephonically.

18 This order does not otherwise modify any date, deadline, or requirement set forth
19 in the Court's September 8, 2017 Order (ECF No. 14).

20 **IT IS SO ORDERED.**

21 Dated: December 14, 2017

22 
23 Hon. Jill L. Burkhardt
24 United States Magistrate Judge

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28 ¹ Plaintiff represents that Mr. Grantham's counselor prefers to call in to chambers instead of receiving a
telephone call from the Court. (ECF No. 32 at 2 n.2.)