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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 DEARL POWELL, CHRISTINA GAST,  
12 and ELIJHA GONZALEZ, as individuals  
13 and on behalf of all others similarly  
14 situated,

14 Plaintiffs,

15 v.

16 WALMART, INC., et al.,

17 Defendants.

Case No.: 20cv2412-BEN-LL

**ORDER DENYING PLAINTIFFS’  
MOTION TO EXCUSE PLAINTIFFS  
FROM PERSONALLY ATTENDING  
THE EARLY NEUTRAL  
EVALUATION**

**[ECF No. 21]**

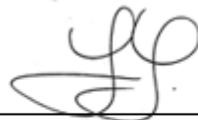
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19 Currently before the Court is a motion filed by Plaintiffs requesting that the Court  
20 excuse Plaintiffs from personally attending the video conference Early Neutral Evaluation  
21 (“ENE”) on April 9, 2021. ECF No. 21. In support, Plaintiffs state that they are hourly  
22 workers, and their attendance would impose an “unjustifiable hardship on Plaintiffs and  
23 their families.” Id. at 3. Plaintiffs further contend that they are entrusting their counsel to  
24 negotiate in the class’s best interest, and if necessary, Plaintiffs will be available by  
25 telephone. Id.

26 Although the Court is sympathetic to Plaintiffs’ circumstances, the Court does not  
27 find good cause to excuse their personal appearances at the video conference ENE. As the  
28 named Plaintiffs initiating this putative class action, Plaintiffs are required to personally

1 attend the ENE. ECF No. 20 at 2 (“All parties, adjusters for insured parties, and other  
2 representatives of a party having full and complete authority to enter into a binding  
3 settlement, and the principal attorneys responsible for the litigation, must be present on the  
4 video conference and legally and factually prepared to discuss settlement of the case.”).  
5 The Court’s chambers rules state that “[t]he Court will not grant requests to excuse a  
6 required party from personally appearing [at an ENE] absent extraordinary circumstances.”  
7 Civil Chambers Rules of the Honorable Linda Lopez Section II.B; see also ECF No. 20  
8 at 2. The Court believes that the presence of all parties is critical to the possibility of a  
9 successful settlement. Accordingly, the Court **DENIES** Plaintiff’s motion.

10 **IT IS SO ORDERED.**

11 Dated: April 1, 2021



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Honorable Linda Lopez  
United States Magistrate Judge