UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RICHARD HADSELL,

Plaintiff,

vs.

CACH, LLC and MANDARICH LAW GROUP, LLP,

Defendants.

CASE NO. 3:12-CV-0235-L -RBB

ORDER DENYING DEFENDANTS' EX PARTE MOTION FOR TELEPHONIC ENE CONFERENCE [ECF NO. 24]

On October 23, 2012, Defendants Mandarich Law Group, LLP, and CACH, LLC, filed an Ex Parte Motion for Telephonic ENE Conference [ECF No. 24]. The Plaintiff, Richard Hadsell, filed Plaintiff's Opposition to Defendants' Ex Parte Application Requesting Appearance by Telephone at the Upcoming Mandatory Settlement Conference on the same day [ECF No. 25]. The Court has considered the Ex Parte Motion and Opposition and denies the Ex Parte Motion for the reasons stated below.

Neither Plaintiff nor Defendants appeared in person for the early neutral evaluation conference held on May 18, 2012, or the follow-up settlement conference on July 19, 2012. At the request of the parties, both conferences were telephonic,

attorneys-only conferences [ECF Nos. 10, 13]. Following the conference on July 19, 2012, the Court scheduled an in-person settlement conference for October 26, 2012, at 10:00 a.m. [ECF No. 15]. Defendants' Ex Parte Motion on the eve of the in-person conference is not based on any exigent circumstance that justifies the last-minute submission. Nor does the Ex Parte Motion establish that "other important company business and engagements" were previously set or should take precedence over the in-person conference. (See Ex Parte Mot. 2, ECF No. 24.) A scheduling conflict might warrant a continuance to another date, but Defendants do not seek a short continuance. Defendants have not established that they are entitled to ex parte relief. See Mission Power Eng'g Co. v. Continental Cas. Co., 883 F. Supp. 488, 493 (C.D. Cal. 1995).

Finally, the Ex Parte Motion does not establish good cause to grant the relief requested.

Defendants' Ex Parte Motion is **DENIED**.

It is so ordered.

DATED: October 24, 2012

Ruben B. Brooks, Magistrate Judge
United States District Court

cc:
Judge Lorenz
All Parties of Record