

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: BANK OF AMERICA CALIFORNIA
UNEMPLOYMENT BENEFITS LITIGATION

Case No.: 21md2992-LAB (MSB)

**ORDER DENYING PLAINTIFF'S REQUEST
TO APPEAR IN-PERSON FOR THE
SCHEDULED EARLY NEUTRAL
EVALUATION [ECF NO. 77]**

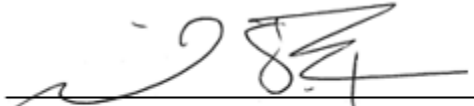
On September 16, 2021, Liaison Counsel for the Individual Plaintiffs filed a "Plaintiffs' Request to Appear In-Person for the Scheduled Early Neutral Evaluation [("ENE")]," which the Court construed as an ex parte motion. (ECF Nos. 77, 78.) Plaintiffs' counsel believes it would be useful to appear in-person to facilitate the use of voluminous discovery documents in the settlement discussions, and therefore requests that the parties be given the option to appear in person. (*Id.* at 2-3.) At the Court's request, Bank of America, N.A. ("BANA") filed its response on September 21, 2021, explaining that one of BANA's lawyers would not be able to appear in-person, and that BANA believes a Zoom settlement conference, rather than a hybrid one, would be more efficient. (ECF No. 79.) Nevertheless, BANA deferred to the Court's preference. (*Id.*)

Based on the physical space available for the ENE, and because of the Court's preference for parity between the parties, it is preferable to proceed with the ENE using Zoom for all parties. The Court has conducted numerous video settlement conferences

effectively and remains confident that, through screen sharing and email, any necessary documents can be shared with the Court. Additionally, if any parties would prefer to provide printed reference documents to the Court for use at the ENE, the parties may lodge such documents with the Court by delivering them to the 4th Floor Clerk's Office or Judge Berg's chambers no later than noon on September 28, 2021.

IT IS SO ORDERED.

Dated: September 21, 2021



Honorable Michael S. Berg
United States Magistrate Judge