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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ELIZABETH MIRABELLI, an individual, and LORI ANN WEST, and individual,

Plaintiffs,

v.

MARK OLSON, in his official capacity as President of the EUSD Board of Education, et al.,

Defendants.

Case No.: 23-cv-00768-BEN-VET

ORDER GRANTING REQUEST TO EXCUSE DEFENDANT FRANK HUSTON FROM APPEARING AT ENE CONFERENCE

Before the Court is a Request to Excuse Participation of Board Trustee, Frank Huston in the ENE Conference Before Magistrate Judge Valerie E. Torres on February 28, 2024 (the "Request"). Doc. No. 76. Pursuant to Civil Local Rule 16.1.c(1), Defendant Frank Huston seeks leave of court to excuse him from attending the ENE presently set for February 28, 2024, a date set after the case was transferred to the undersigned. *Id.* Defendant Huston represents that he was available for the ENE previously set for January 3, 2024, but he is unavailable on February 28, 2024 due to pre-paid travel plans. *Id.* Defendant Huston is one of five trustees on the Escondido Union School District Board of Education named in the lawsuit. *Id.* Even without Mr. Huston, the Request notes that a

1 board majority is still available to participate with full authority in settlement negotiations
2 during the ENE. *Id.*

3 Mr. Huston is one of five trustees named in this suit, and one of twenty-two (22)
4 overall individuals named as Defendants with leadership positions on education boards.
5 *See* Doc. No. 1. The Court recognizes that resetting the ENE to a new and later date likely
6 created difficulty in coordinating party appearances, and that Mr. Huston’s absence will
7 not impact whether the parties can engage in settlement negotiations. Having reviewed the
8 Request, and for good cause shown, the Court **GRANTS** the Request and hereby
9 **EXCUSES** Frank Huston from appearing at the ENE scheduled for February 28, 2024.

10 **IT IS SO ORDERED.**

11 Dated: February 8, 2024



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14 Honorable Valerie E. Torres
United States Magistrate Judge