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State of California
DEPARTMENT OF JUSTICE



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January 5, 2009

Via Efiling and Hand Delivery

Magistrate Judge Joseph C. Spero
Courtroom A, 15th Floor
Federal Building
450 Golden Gate Avenue
San Francisco, CA 942102

RE: *Student H., et al. v. Berkeley Unified School District, et al.*
United States District Court, Northern District of California, Case No. C 06-02031 VRW

Dear Judge Spero:

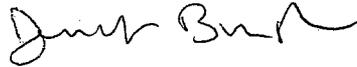
We represent the California Department of Education and Jack O'Connell (collectively, CDE) in the above captioned matter. This matter originally was scheduled for a settlement conference before Judge Larson on January 16, 2009, with a settlement conference statement due on Friday, January 9, 2009. Pursuant to the court's recent order, dated December 31, 2008, the matter was referred to your honor for settlement and the date of the conference was changed to January 14, 2009, with a settlement conference statement due on Wednesday, January 7, 2009.

We are seeking a two-day continuance of the current due date for the settlement conference statement, until January 9, which was the originally scheduled due date. Most of my client contacts and I were out of the office on long-planned vacations between December 24, 2008 and January 2, 2009. Prior to leaving on vacation, we had anticipated that they would review a draft of CDE's settlement conference statement on Thursday, January 8, in light of the then-scheduled conference date. Due to pre-existing commitments in other cases, the primary client contact for CDE will not be available to review and approve the draft settlement conference statement until January 8.

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Accordingly, CDE respectfully requests permission to submit its settlement conference statement to your chambers on January 9, 2008, via hand delivery.

Sincerely,



JENNIFER A. BUNSHOFT
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

cc: Kathryn Dobel (counsel for Plaintiffs)
Nancy Mahan-Lamb (counsel for Berkeley Unified School District and individual BUSD defendants)

IT IS HEREBY ORDERED THAT the confidential settlement conference statement shall be hand delivered to Judge Spero's chambers by Noon on January 9, 2009.

IT IS SO ORDERED.

Dated: Jan. 6, 2009

