

## CITY AND COUNTY OF SAN FRANCISCO

## OFFICE OF THE CITY ATTORNEY



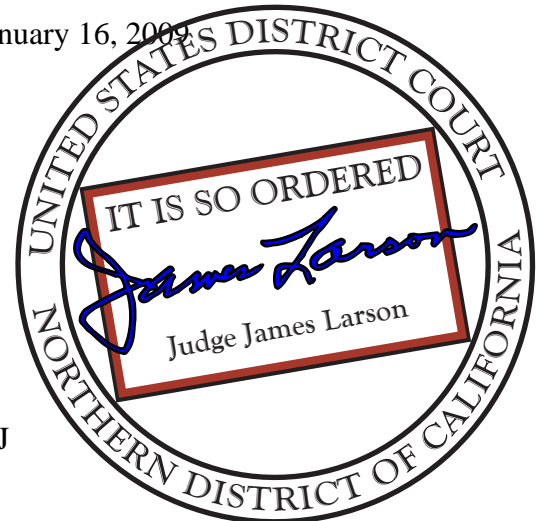
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January 16, 2009

Honorable James Larson  
United States Magistrate Judge  
United States District Court  
for the Northern District of California  
450 Golden Gate Avenue, 15<sup>th</sup> Floor  
San Francisco, CA 94102



**Filed electronically via ECF-Pacer**

Re: *Alvarenga v. CCSF et al.*, USDC No. 07-02526 MEJ

Dear Judge Larson:

The parties in the above-referenced matter are scheduled to attend a settlement conference with you on January 28, 2009 at 2:00 p.m. This case involves allegations by Plaintiff Daniel Alvarenga of false arrest and excessive force when he was taken into custody on May 12, 2005. Along with the City, Plaintiff has named two individual officer defendants, Marco Garcia and Mark McKinney.

I write to request that the two individual officer defendants be excused from attending the settlement conference. Because the officers were acting in the course and scope of their employment at the time of the incident, any settlement (if reached) will be paid by the City, not the individual officers. Additionally, both of these officers currently work the night shift, and would accordingly have to be taken off of two separate shifts to attend a 2:00 p.m. settlement conference.

I have discussed this issue with opposing counsel. Plaintiff has no objection to the officer defendants being excused from the settlement conference, and agrees that their absence would not hamper any chances this case may have for resolution.

Please let me know if you have any questions, and thank you for considering this request.

Very truly yours,

DENNIS J. HERRERA  
City Attorney

-/s/ Kimberly A. Bliss-

Kimberly A. Bliss  
Deputy City Attorney