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January 30, 2008

Judge Joseph C. Spero
c/o Karen Hahn, Courtroom Deputy
U.S Courthouse-Northern District
450 Golden Gate Ave.
San Francisco, CA 94102

**Re: Comm. for a Better Environment v. Action Metal Recycling, Inc.
Case No. C 07-02768 JCS**

Dear Ms. Hahn:

Defendant Action Metal Recycling, Inc. ("Action"), by and through its attorney of record, W. Lee Smith of Trutanich • Michel, LLP ("TM"), respectfully submits this request to excuse the personal appearance of Action's attorney and request for telephonic appearance at the Case Management Conference ("CMC") scheduled for February 8, 2008, at 1:30 p.m., before the Honorable Joseph C. Spero.

TM is located in Long Beach, California. If W. Lee Smith (the case manager for this matter) travels to and from San Francisco to participate in the CMC, he will likely spend nearly a whole business day traveling, if not more.

The cost of Mr. Smith's time spent traveling and the cost of transportation will be out of proportion to size of the matter and the pecuniary relief sought, especially in light of the fact that the parties are actively discussing the potential for a settlement agreement.

For the reasons set forth above, we request the Court excuse Action's attorney from personally attending the February 8, 2008, CMC and instead allow Action's attorney to participate in the CMC by telephone.

Please feel free to contact me at (562) 216-4444 if you have any questions or concerns.

Dated: Feb. 5, 2008

Sincerely,

TRUTANICH • MICHEL, LLP

W. Lee Smith



WLS/ces