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February 17, 2009

### Via Electronic Filing

The Honorable Bernard Zimmerman  
United States District Court  
Northern District of California  
450 Golden Gate Avenue  
Courtroom G, 15th Floor  
San Francisco, CA 94102

Re: *Liberty Mutual Insurance Company v. UPA California, et al.*  
Case No. C08-00611 BZ  
Our Clients: Doug Anderson, Anderson Corporation and UPCAL Construction

Dear Judge Zimmerman:

I represent Third Party Defendants, Doug Anderson, Anderson Corporation and UPCAL Construction, in the above-referenced matter. Plaintiff's motion to dismiss first amended counterclaim is set for argument for tomorrow, Wednesday, February 18, 2009 at 10:00 a.m. Counsel in this matter have communicated to me that the hearing will go forth as scheduled.

My office is in Salt Lake City, Utah and I therefore respectfully request that the Court permit me to appear telephonically at tomorrow's 10:00 a.m. hearing rather than travel to the Bay Area for oral argument.

I greatly appreciate the Court's consideration of this request. If there are questions, I may be reached at 801.257.1527.

Sincerely,

Snell & Wilmer

Stewart O. Peay

SOP:crm

2/17/2009

