

1 RANDALL P. MROCZYNSKI (SBN 156784)
 2 COOKSEY, TOOLEN, GAGE, DUFFY & WOOG
 A PROFESSIONAL CORPORATION
 3 535 Anton Boulevard, Tenth Floor
 Costa Mesa, California 92626-1977
 Telephone: (714) 431-1083
 4 Facsimile: (714) 431-1119
 E-mail: sernest@cookseylaw.com
 5 Attorneys for Defendant Chrysler Financial Services Americas LLC,
 formerly known as DaimlerChrysler Financial Services Americas LLC, dba
 6 Chrysler Financial

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

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 11 JOHN BOUTTE, Pro Se,
 12 Plaintiff,
 13 v.
 14 BYRON J. BAHR, CHRYSLER
 FINANCIAL, AND JANE AND JOHN
 15 DOES 1-50,
 16 Defendants.

Case No.: C 08-02641-BZ
 Case assigned to Hon. Bernard Zimmerman

**REQUEST FOR TELEPHONIC
 APPEARANCE**

Date: 1 July 2009
Time: 10:00 a.m.
Dept.: G

Complaint filed: May 27, 2008

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 18 I, RANDALL P. MROCZYNSKI, declare:

19 1. I am an attorney at law duly licensed to practice before all courts of the
 20 State of California and am an associate with the law firm of Cooksey, Toolen, Gage,
 21 Duffy & Woog, attorneys for Defendants, BYRON J. BAHR and CHRYSLER
 22 FINANCIAL SERVICES AMERICAS LLC, formerly known as
 23 DAIMLERCHRYSLER FINANCIAL SERVICES AMERICAS LLC, dba
 24 CHRYSLER FINANCIAL, in the above-entitled action. I have personal knowledge
 25 of the information contained herein and if called upon to testify, I could and would
 26 competently testify thereto.

27 2. In my view personal appearance (rather than telephonic) would provide
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1 no material assistance in the determination of whether this litigation should be
2 dismissed or management or resolution of this case.

3 4. Defendant's counsel's offices are in Southern California and personal
4 appearance will require travel which will utilize an entire day. Based on review of
5 this file, it would seem this hearing is largely necessitated by Plaintiff's failure to
6 oppose Defendant's motion to dismiss. It seems unlikely Plaintiff will appear at this
7 hearing.

8 5. An appearance by telephone will reduce traffic congestion, reduce
9 depletion of non-renewable energy resources and provide savings in otherwise
10 unnecessary litigation costs to Plaintiff by removing travel time from its invoices.

11 I declare under penalty of perjury under the laws of the State of California that
12 the foregoing is true and correct.

13 Executed on 29 June 2009, at Costa Mesa, California.

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15 /S/ RANDALL P. MROCZYNSKI
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ORDER

IT IS HEREBY ORDERED counsel for Defendants, BYRON J. BAHR and CHRYSLER FINANCIAL SERVICES AMERICAS LLC, formerly known as DAIMLERCHRYSLER FINANCIAL SERVICES AMERICAS LLC, dba CHRYSLER FINANCIAL's Request for Telephonic Appearance regarding their Motion to Dismiss is granted.

DATED: June 30, 2009

By: 

Judge of the Superior Court
Magistrate Judge Bernard Zimmerman

This is not Superior Court. The Court does not ordinarily permit a party to argue a motion by telephone. However, in view of the doubts about whether Mr. Boutte will appear, the Court will make an exception.

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PROOF OF SERVICE

C.C.P. §1013(a), C.R.C. 2003(3), 2005(i)

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 535 Anton Boulevard, Tenth Floor, Costa Mesa, California 92626-1977.

On June 29, 2009, I served the foregoing document described as **REQUEST FOR TELEPHONIC APPEARANCE** on the interested parties in this action.

by placing the original and/or a true copy thereof enclosed in (a) sealed envelope(s), addressed as follows:

SEE ATTACHED SERVICE LIST

BY REGULAR MAIL: I deposited such envelope in the mail at 535 Anton Boulevard, Costa Mesa, California 92626. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

BY FACSIMILE MACHINE: I transmitted a true copy of said document(s) by facsimile machine, and no error was reported. Said fax transmission(s) were directed as indicated on the service list.

BY ELECTRONIC MAIL TRANSMISSION (With Attachment). On this date, by causing transmission of the above-mentioned documents(s) by electronic mail transmission with attachment to the parties at the electronic mail transmission number forth below.

BY OVERNIGHT MAIL: By depositing copies of the above document(s) in a box or other facility regularly maintained by UPS, in an envelope or package designed by UPS with delivery fees paid or provided for and sent to the person(s) named on the attached service list [C.C.P.§1013, 2015.5].

BY PERSONAL SERVICE: I caused such envelope(s) to be delivered by hand to the above addressee(s).

(State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 29, 2009, at Costa Mesa, California.

/s/ Doris Hammarsten

Doris Hammarsten

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SERVICE LIST

Counsel of Record	Phone/Fax Nos.	Party
John Boutte 225 Berry Street, #303 San Francisco, CA 94107	Tel: 415-896-9205	Plaintiff Pro Se

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