

JOHNSON SCHACHTER & LEWIS

A PROFESSIONAL LAW CORPORATION

CALIFORNIA PLAZA

2180 HARVARD STREET, SUITE 560

SACRAMENTO, CALIFORNIA 95815

TELEPHONE: (916) 921-5800

FACSIMILE: (916) 921-0247

EMAIL: info@jst-law.com

ROBERT H. JOHNSON ‡
ALESA SCHACHTER
LUTHER R. LEWIS
KELLIE M. MURPHY
JENNIFER L. HIPPO
JASON M. SHERMAN
TZE MING U
JOSHUA H. WILLERT
CHARLOTTE HEMKER-SMITH *‡‡

FORD R. SMITH, APC **
SUSANNE M. SHELLEY **

October 16, 2008

* OF COUNSEL
** EMERITUS
‡ ALSO ADMITTED IN NEW YORK
‡‡ ALSO ADMITTED IN MAINE

FILED VIA ECF and SENT VIA EMAIL

The Honorable Edward Chen
450 Golden Gate Avenue
Courtroom C, 15th Floor
San Francisco, CA 94102

Re: *Pinckney v. Yuba Community College*
Northern District Case Number: CV08-03068

Dear Judge Chen:

Our office represents Yuba Community College District (hereinafter "District"), a public entity, in the above entitled action. The District filed a motion to quash service and to transfer venue of this matter to the Eastern District of California. Hearing on our motion is set for October 29, 2008.¹ In addition, the Case Management Conference is set for the same date.

The purpose of this letter is to request that counsel for the District be permitted to appear telephonically for the Case Management Conference and the hearing on our motions. As a public entity not located in the Court's venue, we would like to avoid the costs associated with personally appearing if at all possible.

In addition, it appears that Plaintiff, who is acting *in pro per*, is not likely to make any appearance at either the hearing on the motions, or for the conference. As noted in our Reply/Statement of No Opposition to the District's motions, all attempts to serve Plaintiff have failed because Plaintiff has moved from the address listed with the Court. Plaintiff has not filed any Notice of Change of Address with the Court and has not informed defense counsel of his present location.

¹ Hearing was initially noticed for October 22, 2008, but was continued to October 29, 2008 by this Court.

Request to Appear Telephonically
Re: *Pinckney v. Yuba Community College*
October 16, 2008
Page 2

Our office has spoken to Plaintiff over the telephone on only one occasion. In this conversation, Plaintiff refused to discuss the case because he was under the belief that the Court was going to assign him an attorney to prosecute his civil complaint. We have not heard from Plaintiff since that time. Finally, Plaintiff's last known location was in Canada. As such, it is highly unlikely that Plaintiff will personally appear in San Francisco for the hearing and conference.

Alternatively, if the Court requires a personal appearance, I respectfully request that my associate, Jason M. Sherman, who is also admitted to the Northern District, be allowed to appear as I have a calendar conflict on October 29, 2008. Mr. Sherman is very familiar with the case, was responsible for drafting the District's motions and case management statement, and has personally spoken to Plaintiff in the past.

We thank you for your consideration of these issues.

Very truly yours,

JOHNSON SCHACHTER & LEWIS
A Professional Law Corporation


ALESA SCHACHTER
alesa@jst-law.com

IT IS SO ORDERED that Jason Sherman (916) 921-5800 may appear by phone. Court will initiate call at around 10:30 a.m. on 10/29/08

Edward M. Chen
U.S. Magistrate Judge

