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May 12, 2010

Magistrate Judge Joseph C. Spero  
United States District Court  
Northern District of California  
Courtroom A  
15<sup>th</sup> Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

**Re: *Winbery et al v. Americo Financial, et al***  
***Case Number 3:09-cv-00134-JCS***  
***Request to Appear Telephonically***  
***Case Management Conference: May 21, 2010, 1:30 p.m.***

Dear Magistrate Judge Spero:

I am California based counsel for Defendant Equita Financial in the above captioned matter. I request permission to attend telephonically the upcoming Case Management Conference scheduled for May 21, 2010 at 1:30 p.m. My telephone number is (424) 218-3903.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Toomey'.

Philip A. Toomey

Cc: Michael D. Meadows  
Gordon W. Renneisen  
Ethan Brown  
Scott Shanes

Dated: May 17, 2010



**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles; I am over the age of eighteen years and not a party to the within action; my business address is: 841 Apollo Street, Suite 450, El Segundo, California 90245.

On May 12, 2010, I served the following document described as **LETTER TO MAGISTRATE JUDGE SPERO FROM PHILIP A. TOOMEY REGARDING REQUEST FOR PERMISSION TO ATTEND CASE MANAGEMENT CONFERENCE SCHEDULED FOR MAY 21, 2010 TELEPHONICALLY** on the interested parties to be noticed in said action, by mailing a true copy as follows to the addressee(s) as listed below:

**SEE ATTACHED SERVICE LIST**

BY MAIL I am "readily familiar" with the firm's practice for collection and processing of correspondence for mailing; under the practice it would be deposited with the United States Postal Service on the same day with postage thereon fully prepaid at El Segundo, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

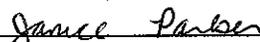
BY E-MAIL I transmitted the foregoing document to the addressee(s) as listed above..

BY FACSIMILE I transmitted the foregoing document to the addressee(s) as listed above.

BY FEDERAL EXPRESS I am "readily familiar" with the firm's practice for collection and processing of correspondence for overnight mail/Federal Express; under the practice it is deposited in a box or other facility regularly maintained by the express service carrier, or delivered to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for to the addressee(s) as listed above.

FEDERAL I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 12, 2010, at El Segundo, California.

  
\_\_\_\_\_  
Janice Parker

SERVICE LIST

*Jennifer Winbery, et al. vs. Amerigo Financial Life and Annuity Insurance Company, et al.*  
*U.S.D.C Northern District of California*  
*Case No. CV 09-0134 SBA*

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