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LATHAM & WATKINS LLP

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September 17, 2010

Magistrate Judge Joseph C. Spero
U.S. District Court
Northern District Court of California
Courtroom A, 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

File No. 030460-0039

Re: Winbery et al. v. America Financial Life and Annuity Insurance Company et al.,
Case No. 3:09-cv-00134-JCS (N.D. Cal.): Request to Appear Telephonically

Dear Magistrate Judge Spero:

I am lead counsel for Defendant Americo Financial Life and Annuity Insurance Company in the above-referenced case. I respectfully request permission to attend telephonically the upcoming Case Management Conference scheduled for September 24, 2010 at 1:30 p.m. PST. My telephone number is number is +1.213.891.8192.

Your consideration is appreciated. If you have any questions, please contact me.

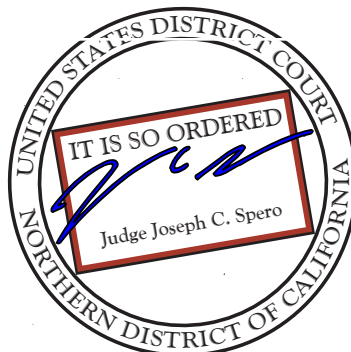
Sincerely,



Ethan J. Brown
of LATHAM & WATKINS LLP

cc: Michael D. Meadows, Esq.
Gordon W. Renneisen, Esq.
Scott A. Shanes, Esq.
Phillip. A. Toomey, Esq.

Dated: 9/20/10 It is hereby ordered that counsel shall be on phone standby beginning at 1:30 p.m., until the Court calls.



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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins LLP, 355 South Grand Avenue, Los Angeles, CA 90071-1560.

On **September 17, 2010**, I served the following document described as:

LETTER FROM ETHAN J. BROWN REGARDING REQUEST FOR PERMISSION TO ATTEND SEPTEMBER 24, 2010 CMC TELEPHONICALLY

by serving a true copy of the above-described document in the following manner:

BY ELECTRONIC FILING

I electronically filed the above-described document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List.

BY U.S. MAIL

I personally deposited a sealed envelope or package containing the above-described document and addressed as set forth below in a post office, mailbox, subpost office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of mail in Los Angeles, California, with postage thereon fully prepaid and served the following individuals.

(See attached Service List)

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 **September 17, 2010**, at Los Angeles, California.

Maria Rubino

Maria Rubino

Mailing Information for a Case 3:09-cv-00134-JCS

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Ethan Joseph Brown**
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- **Philip Anthony Toomey**
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- **Jennifer Amy Zimbhoff**
jennifer.zimbhoff@lw.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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