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September 20, 2010

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

*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 counsel for Defendant Equita Financial and Insurance Services 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 (310) 545-0010 ext. 103.

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

Very truly yours,

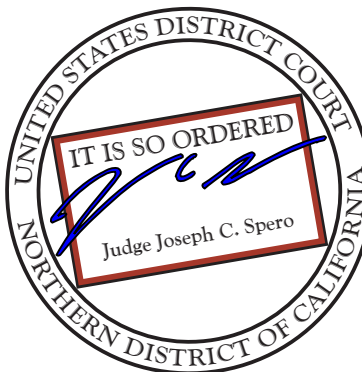
CARICO JOHNSON TOOMEY LLP

A handwritten signature in blue ink, appearing to read 'P. Toomey', with a long horizontal flourish extending to the right.

Philip A. Toomey

Dated: 9/21/10 A conference call dial in number is being established by counsel Ethan J. Brown. Mr. Toomey shall contact Mr. Brown for the conference call dial in number and pass code.

cc: Michael D. Meadows, Esq.  
Gordon W. Renneisen, Esq.  
Scott A. Shanes, Esq.  
Ethan J. Brown, Esq.



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 September 20, 2010, I served the following document described as **LETTER FROM PHILIP A. TOOMEY, ESQ. REGARDING REQUEST FOR PERMISSION TO ATTEND SEPTMEMBER 24, 2010 CMC 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 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 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 FACSIMILE I transmitted the foregoing document to the addressee(s) as listed on the attached Service List.

BY E-MAIL I transmitted the foregoing document to the addressee(s) as listed on the attached Service List.

BY PERSONAL SERVICE I caused the foregoing document to be hand delivered to the offices of the addressee(s) as listed above.

FEDERAL I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on September 20, 2010 at El Segundo, California.

Janice Parker  
Janice Parker

## **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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- **Jennifer Amy Zimbhoff**  
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### **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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SERVICE LIST

*Jennifer Winbery, et al. vs. Americo Financial Life and Annuity Insurance Company, et al.*  
USDC Case No. CV 09-0134 SBA

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Equita Financial and Insurance  
Services*