

355 South Grand Avenue
 Los Angeles, California 90071-1560
 Tel: +1.213.485.1234 Fax: +1.213.891.8763
 www.lw.com

LATHAM & WATKINS LLP

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January 27, 2011

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. 024699-0014

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

Dear Magistrate Judge Spero:

I, on behalf of myself and Alan B. Clark, as counsel for Defendant Americo Financial Life and Annuity Insurance Company in the above-referenced case, respectfully request permission to attend telephonically the upcoming Case Management Conference scheduled for February 4, 2011 at 1:30 p.m. PST. Our telephone numbers are +1.213.891.8192 (Ethan Brown) and +1.213.622.5555 (Alan Clark). Your consideration is appreciated. If you have any questions, please contact us.

Sincerely,

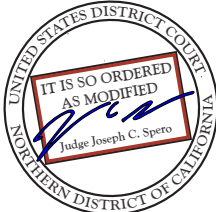


Ethan J. Brown, Esq.
 of LATHAM & WATKINS LLP

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

Counsel shall contact Phillip Toomey to determine who will establish the conference call in number and pass code. Conference call number shall be provided to the Court by Feb. 2, 2011.

Dated: 1/27/11



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, California 90071-1560.

On **January 27, 2011**, I served the following document described as:

REQUEST TO APPEAR TELEPHONICALLY

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

BY ELECTRONIC MAIL

The above-described document was transmitted via electronic mail to the following parties on **January 27, 2011**:

SEE ATTACHED SERVICE LIST

The parties on whom this electronic mail has been served have agreed in writing to such form of service pursuant to agreement.

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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 **January 27, 2011**, at Los Angeles, California.



Jenea C. Rivas

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**
ethan.brown@lw.com,james.moon@lw.com
- **Alan Benjamin Clark**
aclark@allenmatkins.com,mlew@allenmatkins.com
- **Michael Dennis Meadows**
meadows@cmslaw.com,elizabeth@cmslaw.com
- **Gordon Wayne Renneisen**
grenneisen@cornerlaw.com,pprill@cornerlaw.com
- **Scott Allen Shanes**
scott.shanes@strasburger.com,laura.avenson@strasburger.com
- **Philip Anthony Toomey**
ptoomey@cjtlp.com,sjohnson@cjtlp.com
- **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.

Sandra Lee Gravano

Merced County Department of Child Support Services
780 Loughborough Drive
Merced, CA 95348-2626

Tiffany Lee Cox Hawkins

Strausburger & Price LLP
2801 Network Boulevard
Frisco, TX 75034

Stuart Johnson

Carico Rice Toomey, LLP
841 Apollo Street
Suite 450
El Segundo, CA 90245