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Alison Berry Wilkinson
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May 30, 2014

Honorable Joseph C. Spero, Magistrate Judge
United States District Court
Northern District of California
Courtroom 5, 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *Johnson v. Bay Area Rapid Transit District, et al.*
U.S.C.D. Northern District Case No. C09-00901EMC
and Consolidated Matters C09-4835; C09-4014; C10-0005

Dear Judge Spero:

On behalf of the individual defendants in the above-entitled action, and specifically on behalf of Marysol Domenici and Johannes Mehserle¹, I write to request clarification of the order that was issued yesterday concerning the settlement conference scheduled for Tuesday, June 2, 2014 at 9:30 a.m. That order stated:

Lead trial counsel shall appear at the Settlement Conference *with all the remaining Plaintiffs, and Defendants*, Defendant BART, and persons having unlimited authority to negotiate and settle the case. Oscar Grant Jr., shall appear by telephone.

For previous settlement conferences, as long as BART brought individuals with unlimited authority to settle to the conference, you graciously excused personal attendance of the individual defendants due to the fact that they have no independent authority to settle any aspect of this case. Indeed, the pattern, to date, has been for the individual defendants not to attend, but to remain on telephone standby for the duration of the conference, and that lead counsel for each individual defendant would attend along with BART General Counsel, Matt Burrows, and BART Liability Risk Manager, Terri Hodges, both of whom have the authority to settle.

Following the issuance of the settlement conference order, I met and conferred with counsel for the Plaintiffs, Waukeen McCoy and Jessica Barsotti. Each advised that from their perspective all parties should be in attendance at the settlement conference, including Marysol Domenici and Johannes Mehserle.

¹ Defendant Anthony Pirone is currently on active military duty out of the country and is unavailable to attend. See, *Johnson* Docket No. 454.

The Honorable Judge Joseph C. Spero

May 24, 2014

Re: *Johnson v. Bay Area Rapid Transit District, et al.*

U.S.C.D. Northern District Case No. C09-00901EMC

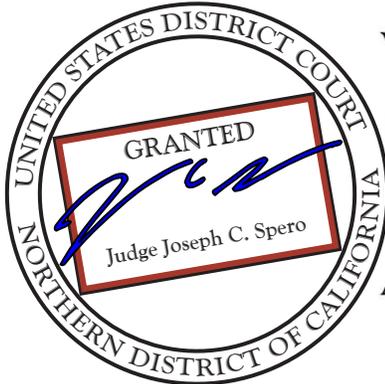
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As a result, I send this letter requesting that you once again kindly excuse the individual defendants from attending the settlement conference consistent with the accepted practice that has existed to date.

On behalf of Defendants Marysol Domenici and Johannes Mehserle, I thank you for your courtesy in considering this request.

Dated: 5/30/14



Very truly yours,

Berry | Wilkinson | Law Group

A handwritten signature in blue ink, appearing to read "Alison Berry Wilkinson", is written over the typed name.

Alison Berry Wilkinson

cc: All counsel via ECF Notification