

## CITY AND COUNTY OF SAN FRANCISCO

## OFFICE OF THE CITY ATTORNEY



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October 18, 2010

Honorable James Larson, United States Magistrate Judge  
United States District Court  
for the Northern District of California  
450 Golden Gate Avenue, 15<sup>th</sup> Floor  
San Francisco, CA 94102

**Filed electronically via ECF-Pacer**  
**Chambers Copy via U.S. Mail**

Re: *Garcia v. CCSF et al.*, USDC No. 09-03302 TEH

Dear Judge Larson:



The parties in the above-referenced matter are scheduled to attend a settlement conference with you on October 29, 2010 at 10:00 a.m. This case involves allegations by Plaintiff Jose Garcia of false arrest and excessive force when he was taken into custody on April 20, 2008. Along with the City, Plaintiff has named an individual officer defendant, Kevin O'Leary.

I write to request that the individual officer defendant be excused from attending the settlement conference. Because the officer was acting in the course and scope of his employment at the time of the incident, any settlement (if reached) will be paid by the City, not the individual officers. Accordingly, defendants intend to bring a settlement representative from the SFPD's legal division.

Additionally, defendant O'Leary may be working the night shift during the week of the settlement conference, and would accordingly have to be taken off of two separate shifts to attend a 10:00 a.m. settlement conference.

I have spoken with Plaintiff's counsel regarding this issue, and Plaintiff has no objection to the Defendants' request that Officer O'Leary be excused from the settlement conference.

Please let me know if you have any questions, and thank you for considering this request.

Very truly yours,  
DENNIS J. HERRERA  
City Attorney

-/s/ Kimberly A. Bliss-  
Kimberly A. Bliss  
Deputy City Attorney