

**BERTRAND, FOX & ELLIOT**

LAW OFFICES, A PROFESSIONAL CORPORATION

February 22, 2013

Hon. Laurel Beeler  
 United States Magistrate Judge  
 Federal Building, 15<sup>th</sup> Floor, Courtroom C  
 450 Golden Gate Avenue  
 San Francisco, CA 94102

Re: *Ottovich v Fremont et al.*  
 U.S.D.C., Northern District California Case No. CV09-4181 MMC-LB  
 Our File No. FRE 4571  
**REQUEST FOR PERMISSION TO ATTEND SETTLEMENT  
 CONFERENCE BY TELEPHONE**

Dear Judge Beeler:

This firm represents the Fremont Police Officer defendants, Ricardo Cortes, Keith Farmer, Kenneth Heininge, Mark Dang and William Settle. This matter is currently set for settlement conference in your court on March 6, 2013.

Defendant Officer Kenneth Heininge is now retired from the Fremont police force and is residing in Oregon where he is currently attending college as a full time student. It would create a significant hardship for Mr. Heininge to travel from Oregon to attend the settlement conference in person. We therefore request the Court's permission for Mr. Heininge to attend by telephone.

Defendant Officer Keith Farmer is attending professional training class out of state from March 5 through March 8 which was scheduled prior to the setting of this settlement conference. Officer Farmer will be available to take telephone calls during the hours of the settlement conference. We therefore request the Court's permission for Officer Farmer to attend the settlement conference by telephone.

Defendant Officers Cortes, Settle and Dang will appear at the conference. Thank you for your attention to this request.

Very truly yours,

BERTRAND, FOX & ELLIOT

/s/  
 Arlene Helfrich

Date: March 4, 2013

AH/ns  
 cc: Mark Ottovich [via U.S. Mail]



The Waterfront Building  
 2749 Hyde Street  
 San Francisco, California 94109

Arlene Helfrich  
 ahelfrich@bfesf.com

Telephone (415) 353-0990 ext. 109  
 Facsimile (415) 353-0990