

BERTRAND, FOX & ELLIOT

LAW OFFICES, A PROFESSIONAL CORPORATION

August 12, 2013

Honorable Laurel Beeler
 United States Magistrate Judge
 Federal Building, 15th 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

**NOTICE THAT DEFENDANT OFFICERS ARE NOT REQUIRED TO
 ATTEND SETTLEMENT CONFERENCE ON OCTOBER 11, 2013**

Dear Judge Beeler:

This firm represents the Fremont Police Officer defendants, Ricardo Cortes, Keith Farmer, Kenneth Heining, Mark Dang and William Settle. At the most recent case management conference on July 26, 2013, Judge Chesney again referred this matter to your court for settlement conference, which your clerk has scheduled for October 11, 2103.

Plaintiff Ottovich is pro se. The parties attended a prior settlement conference in your court on March 6, 2013, which lasted all day. In attendance was lead trial counsel Greg Fox, Defendant Officers Cortes, Farmer, Dang and Settle, and City of Fremont Risk Manager Steve Schwarz. (Defendant Sergeant Heining, who now resides out of state, was on phone standby).

I am writing to respectfully remind the court that at the end of the March 6, 2013 settlement conference, you indicated that the defendant officers need not attend any future settlement conference. Therefore, we do not intend to have the defendant officers in attendance at the October 11, 2013 conference. Mr. Fox and Mr. Schwarz will attend. Please advise if our understanding regarding officer attendance not being required is incorrect. Thank you for your attention to this notice.

Very truly yours,

BERTRAND, FOX & ELLIOT

/s/
 Arlene Helfrich

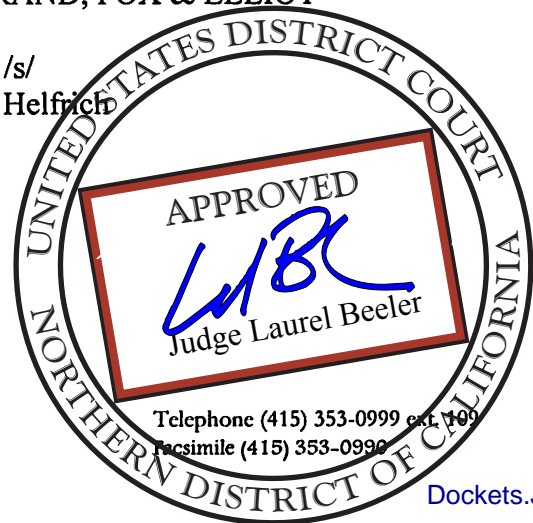
AH/ns

cc: Mark Ottovich [via U.S. Mail]
 Steve Schwarz

Date: August 19, 2013

The Waterfront Building
 2749 Hyde Street
 San Francisco, California 94109

Arlene Helfrich
 ahelfrich@bfesf.com



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1 CERTIFICATE OF SERVICE

2 I, the undersigned, declare that I am employed in the County of San Francisco, California; I am
3 over the age of eighteen years and not a party to the within cause; and my business address is 2749 Hyde
4 Street, San Francisco, California 94109.

5 I am readily familiar with the practice of Bertrand, Fox, & Elliot with respect to the collection and
6 processing of pleadings, discovery documents, motions and all other documents which must be served
7 upon opposing parties or other counsel in litigation. On the same day that correspondence is placed for
8 collection and mailing, it is deposited in the ordinary course of business with the United States Postal
9 Service in a sealed envelope with postage fully prepaid.

10 On August 12, 2013, I served the following document:

11 **LETTER TO JUDGE BEELER RE: NOTICE THAT DEFENDANT OFFICERS ARE**
12 **NOT REQUIRED TO ATTEND SETTLEMENT CONFERENCE ON OCTOBER 11, 2013**

13 on the following interested parties:

14 Mark Ottovich *Pro Se Plaintiff*
15 36224 Pecan Court
16 Fremont, CA 94536

17 Said service was performed in the following manner:

18 (✓) **BY U.S. POSTAL SERVICE (Mail):** I placed each such document in a sealed envelope
19 addressed at noted above, with first-class mail postage thereon fully prepaid, for collection and
20 mailing at San Francisco, California, following the above-stated business practice, on this date.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing is
22 true and correct. Executed August 12, 2013, at San Francisco, California.

23
24 
25 Cynthia Sheppard
26
27
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