

JAMES P. WATSON  
FREDERICK W. THOMPSON  
EDWARD MEVI  
SUSAN J. OLSON  
BRUCE K. LEIGH  
ANDREA J. KIRKPATRICK

STEVEN P. LAWRENCE  
SUZANNE KLOTZ  
OF COUNSEL

LAW OFFICES OF  
STANTON, KAY & WATSON, LLP  
101 NEW MONTGOMERY STREET, FIFTH FLOOR  
SAN FRANCISCO, CALIFORNIA 94105

TELEPHONE (415) 512-3501  
FAX (415) 512-3515  
WWW.SKWSF.COM

THOMAS E. STANTON  
(1912 - 2003)

LAWRENCE H. KAY  
OF COUNSEL  
7801 FOLSOM BOULEVARD, SUITE 350  
SACRAMENTO, CALIFORNIA 95826  
TELEPHONE (916) 381-7868  
FAX (916) 381-7880

April 4, 2005

**VIA CERTIFIED MAIL**

Christine Tour-Sarkissian  
Tour-Sarkissian Law Offices  
211 Gough Street, Third Floor  
San Francisco, CA 94102

Mortimer H. Herztein, Attorney at Law  
P.O. Box 318158  
San Francisco, CA 94131-8158

**Re: Totten et al. v. Cervantez et al.**  
**Case no. 4:04-cv-05441-SBA**  
**Rule 26 (f) Meet and Confer**  
**Our File: 504.374**

Dear Counsel:

We are writing in compliance with the case scheduling order that mandates that we meet and confer pursuant to section 26(f) of the Federal Rules of Civil Procedure on or before April 6, 2005. Initially, we would like to confirm receipt of Ms. Cervantez' answer to the complaint. We are still awaiting a responsive pleading from counsel for Ms. Largaespada. However, we have been advised by her counsel that such a pleading will be filed with the court early this week.

As you know, our client, the Laborers Pension Trust Fund for Northern California has interplead the funds at issue in this matter with the court. Plaintiffs are indifferent as to which of the defendants, if any, are legally entitled to receive the pension benefits at issue. Therefore, Plaintiffs will be seeking a dismissal from this matter as soon as practicable. The burden is on the defendants to determine who is legally entitled to receive the pension benefits at issue. Once that issue has been resolved, Plaintiffs will pay the pension benefit at issue to the person legally entitled to the same.

Should you have any questions or concerns, please do not hesitate to contact this office.

Very truly yours,



Andrea J. Kirkpatrick

AJK:cc