



Michael J. Kump

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June 26, 2012

VIA E-MAIL AND ORIGINAL LETTER
LODGED IN CHAMBERS BY FEDEX

Honorable Jacqueline Scott Corley
United States Magistrate Judge
United States District Court
Courtroom F – 15th Floor
450 Golden Gate Avenue
San Francisco, California 94102
E-Mail: JSCPO@canduscourts.gov

Re: TRIA Beauty, Inc. v. Radiancy, Inc.; and related Counterclaims
USDC Case No. C10-5030 RS (JSC)

Dear Judge Corley:

I am co-counsel of record for Counterclaim Defendant Kimberly Kardashian, who is also represented by Peter Brody, Esq. and his firm, Ropes & Gray LLP in the above-referenced action. I am writing pursuant to your Notice of Settlement Conference and Settlement Conference Order (the "Order") filed on June 15, 2012 (Doc. 187) in the above-referenced action.

I am writing pursuant to paragraph 3 of the Order to request that the Court excuse both Ms. Kardashian and me from personally appearing at the Settlement Conference set for July 6, 2012. I have conferred with both Mr. Brody, lead trial counsel for TRIA Beauty, Inc., and Brendan O'Rourke, Esq., lead trial counsel for Radiancy, Inc. Both counsel agree with the request being made in this letter to excuse Ms. Kardashian and me from attending the Settlement Conference on July 6, 2012.

The reasons for seeking the absence of Ms. Kardashian and me from the Settlement Conference as are follows:

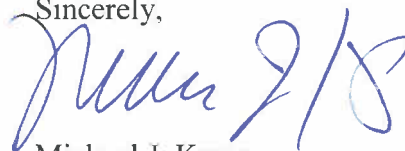
1. At the time the Court scheduled the Settlement Conference, Ms. Kardashian had pre-existing business commitments in Europe. Specifically, on July 6, 2012, Ms. Kardashian is scheduled to be in Paris, France. As a result of her pre-existing commitments, it is impossible for Ms. Kardashian to be present at the Settlement Conference in San Francisco on July 6, 2012.

2. As disclosed during discovery, TRIA Beauty, Inc. is indemnifying Ms. Kardashian with respect to all attorneys' fees and expenses incurred in this action, and any judgment that might be entered against her in connection with the Counterclaims filed in this action by Radiancy, Inc. Because Ms. Kardashian has no personal exposure for any potential liability in this action and because she is not seeking any relief from any party in this action, she is not a necessary party for any settlement that might be reached in this action between the principal parties, TRIA Beauty, Inc. and Radiancy, Inc.

3. My only role in this action is as co-counsel for Ms. Kardashian in her capacity as a Counterclaim Defendant. I am not counsel for TRIA Beauty, Inc. Because Mr. Brody and his firm are co-counsel for Ms. Kardashian in this action, they can represent her interests to the extent necessary at the Settlement Conference. In addition, I will be available by telephone on July 6, 2012 in the event that Mr. Brody or the Court needs to confer with me about any matter.

Based upon the foregoing, and given the agreement of both lead trial counsel for the two main parties in this action, I respectfully request that the Court excuse Ms. Kardashian and me from appearing at the Settlement Conference on July 6, 2012. Thank you for your attention to this request.

Sincerely,



Michael J. Kump
Attorneys for Counterclaim Defendant
Kimberly Kardashian

MJK:ceh

cc: Peter Brody, Esq. (Lead trial counsel for TRIA Beauty, Inc.)
Brendan O'Rourke, Esq. (Lead trial counsel for Radiancy, Inc.)

Dated: 6/27/2012

