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July 3, 2013

Magistrate Judge Jacqueline Scott Corley  
US District Court for the Northern District of California  
450 Golden Gate Ave., 15<sup>th</sup> Floor - Courtroom F  
San Francisco, CA 94102

**Re: *Stephan Jenkins, et al. v. Thomas Irving Mandelbaum, et al.***  
**USDC, North. Dist. of CA Case No. C11-0211 EMC (JSC)**

Your Honor:

Pursuant to paragraph 3 of Your Honor's Notice of Settlement and Settlement Conference Order dated March 22, 2013 in this matter, Defendant Hiscock & Barclay, LLP respectfully requests that the Court excuse its East Coast representatives from personally attending the July 16, 2013 settlement conference. We have met and conferred with Plaintiff's counsel to determine if there are any objections to Defendant's absence from personally attending the settlement conference. Plaintiff's counsel agreed that the reasons for the excuse from personally attending the settlement conference were reasonable and warranted under the circumstances, and Plaintiff has no objection.

Attached is a fully executed declaration from Robert A. Barrer, a partner with Hiscock & Barclay. This declaration confirms that Hiscock & Barclay's attorney of record will personally appear at the settlement conference and will have full authority to negotiate in good faith a resolution, if possible, of the claims against Hiscock & Barclay. The declaration further establishes that Hiscock & Barclay's offices are located in Syracuse, Rochester and Buffalo, NY, and that there are no direct flights from any of these cities to San Francisco. As such, personal appearance of one of Hiscock & Barclay's partners at the settlement conference in San Francisco would create an undue expense and burden on their work, and take them away from matters that require attendance in the office. Mr. Barrer will be prepared to attend the settlement conference via telephone.

Hiscock & Barclay respectfully requests that the Court excuse it from personally appearing at the July 16, 2013 settlement conference and permit its representatives to appear by telephone. Counsel for Hiscock & Barclay will appear in person at the settlement conference with full authority to settle the action, if at all possible.

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Thank you for your consideration.

Very truly yours,



John P. Girarde

Enclosure/1

cc: Richard J. Idell

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Dated: July 10, 2013

