

## MOUND COTTON WOLLAN &amp; GREENGRASS

COUNSELLORS AT LAW  
ONE BATTERY PARK PLAZA  
NEW YORK, NY 10004-1486

NEW YORK, NY  
NEWARK, NJ  
GARDEN CITY, NY  
SAN FRANCISCO, CA  
FORT LAUDERDALE, FL

(212) 804-4200  
FAX: (212) 344-8066  
WWW.MOUNDCOTTON.COM

SANJIT SHAH  
(212) 804-4511  
SSHAH@MOUNDCOTTON.COM

August 6, 2012

**BY ELECTRONIC MAIL**

The Honorable Jacqueline Scott Corley  
United States Magistrate Judge  
450 Golden Gate Avenue, Courtroom F – 15<sup>th</sup> Floor  
San Francisco, CA 94102

Re: *Anthony Fredianelli v. Stephan Jenkins, et al.*, U.S. District Court, Northern  
District of California, 3:11-cv-3232

Dear Judge Corley:

We represent Defendant Thomas I. Mandelbaum in the above-referenced action, which has been assigned to Your Honor for a mandatory settlement conference. The Court has scheduled a settlement conference for August 8, 2012. We respectfully request that the Court excuse us, Mr. Mandelbaum, and Mr. Mandelbaum's insurance carrier from attending the mediation, as we expect that Plaintiff Anthony Fredianelli will shortly file a stipulation pursuant to Rule 41 of the Federal Rules of Civil Procedure discontinuing the action against Mr. Mandelbaum. Indeed, Mr. Fredianelli's proposed amended complaint does not attempt to plead any claims against Mr. Mandelbaum. We are currently negotiating the terms of such dismissal with Mr. Fredianelli's counsel.

Mitchell Greenberg, counsel for Defendants Stephan Jenkins, Bradley Hargreaves, Third Eye Blind, Inc., 3EB Touring, Inc., Stephan Jenkins Productions, Inc. and 3EB Publishing, has advised me that his clients consent to our request that we be excused from attending the mediation. Aaron Davis, counsel for Plaintiff Anthony Fredianelli, has advised me that his client also consents to our request to be excused.

We have not sought the consent of the remaining Defendants inasmuch as it is our understanding that they, too, will shortly be dismissed from the action.

The Honorable Jacqueline Scott Corley  
August 6, 2012  
Page 2

We thank the Court for its consideration of this matter.

Respectfully,

  
Sanjit Shah

Cc: All counsel of record

Dated: August 7, 2012

