



John K. Fiorilla
856.914.2054
jfiorilla@capehart.com

March 12, 2012

VIA ELECTRONIC FILING

Hon. Edward M. Chen, U.S.D.J.
United States Court House
Courtroom 5- 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Canadian National Railway Company v. Phoenix Logistics, Inc.
Case No. cv-11-4589 (EMC)
Our File #0489.13104

Dear Judge Chen:

This firm represents the plaintiff Canadian National Railway in the above captioned matter.

On March 9, 2012, we received a telephone call from John Saul, Esq., brother of Fred Saul, Registered Agent of defendant, Phoenix Logistics, Inc., acknowledging receipt of the copies of the Case Management Scheduling Order and the Clerk's Notice Continuing Motion Hearing #9 to 4/13/12 at 1:30 p.m.

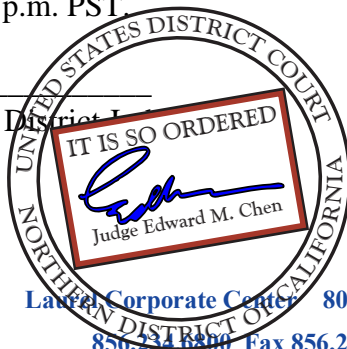
John Saul, Esq. advised that Phoenix Logistics, Inc. has been out of business for several months. There are no assets available to us and there are several judgments against Phoenix. He stated that Fred Saul will not be taking any action or responding to our Motion for Default Judgment scheduled as stated above.

I respectfully request that the Court permit me to appear telephonically at the motion hearing in this matter.

IT IS SO ORDERED that the call will
call Mr. Fiorilla at (856) 914-2054
between 1:30 and 4:30 p.m. PST.

Edward M. Chen, U.S. District Judge

JKF:pmb
20130609



Respectfully,

CAPEHART & SCATCHARD, P.A.

s/John K. Fiorilla
John K. Fiorilla