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E-Filed  
 U.S. District Court  
 Attention Judge Phyllis J. Hamilton  
 450 Golden Gate Avenue, 17<sup>th</sup> Fl.  
 San Francisco, CA 94102

RE: Kimberly Beagle v. Rite Aid Corporation, et al.  
**Case No.: CV08-1517-PJH**

Dear Judge Hamilton:

I just received the Court's order of today and felt compelled to provide an update to the court.

The parties engaged in informal settlement discussions this week that ended yesterday after again reaching an impasse.

Plaintiff no longer feels court assistance would be helpful in reaching resolution. Moreover, my client is in Eureka and works at Kohl's a large retailer. I can appear but I request that she be permitted to appear by phone. I have her complete authority to resolve this matter.

Mr. Klein's client is in Pennsylvania as well. Upon such short notice, my client missing work during the Christmas rush may cost her a job that she cannot afford to lose at a very inopportune time, Christmas.

Sincerely,

**MAYALL, HURLEY, KNUTSEN, SMITH & GREEN**

By   
 MARK S. ADAMS

\msa

cc. Mr. Jonathan Klein Esq.

CLIENTS MAY BE ON TELEPHONE  
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