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September 10, 2009

Honorable Joseph C. Spero
United States District Court
450 Golden Gate Avenue
Courtroom A, 15th Floor
San Francisco, CA 94102

Re: *Curry v. City of Oakland, et al.*
Case No. C 08 03695 SBA (JCS)

Dear Judge Spero:

We write jointly to request a modification of the Court's settlement conference order in this matter. A settlement conference is scheduled to be held on October 15, 2009, with statements due two weeks before, on October 1.

Presently, Plaintiff's counsel is preparing for a wrongful death trial in Fresno, Eastern District Federal Court, before Judge O'Neill. The trial will begin September 14, and is expected to last approximately ten days, or a few days more if Plaintiffs make it to the damages, punitive, and Monell phases of that trial. In the meantime, Plaintiff's deposition has been postponed at Plaintiff's counsel's request and has been rescheduled to October 6.

The parties therefore jointly request that the Court allow them to submit statements by October 8, one week before the October 15 settlement conference. Plaintiff's counsel apologizes for the inconvenience to the Court and Defendants counsel. The parties request that the Court let them know if the proposed October 8 date for submission of statements is allowed.

Plaintiff's counsel can be reached at (510) 839-5200, or
bnisenbaum@hotmail.com. Defendants' counsel can be reached at (510) 238-6392, or
arosen@oaklandcityattorney.org.

Respectfully Submitted,

LAW OFFICES OF JOHN L. BURRIS

/s/

Benjamin Nisenbaum
Attorney for Plaintiff

OAKLAND CITY ATTORNEY'S OFFICE

/s/

Arlene M. Rosen
Attorney for Defendants

Dated: Sept. 14, 2009

