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9 Attorneys for Plaintiff
 Sleep Science Partners, Inc.

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **OAKLAND DIVISION**

13 SLEEP SCIENCE PARTNERS, INC., a
 14 California corporation,

15 Plaintiff,

16 vs.

17 AVERY LIEBERMAN, an individual,
 18 KATRINA WEBSTER, an individual,
 DANIEL WEBSTER, an individual, and
 19 SLEEPING WELL, LLC, a Vermont limited
 liability corporation, and DOES 1-10,

20 Defendants.

Case No. CV09-4200CW

Hon. Magistrate Judge Bernard Zimmerman

**APPLICATION TO APPEAR
 TELEPHONICALLY**

Hearing Date: January 13, 2011, 1:30 p.m.

21 **NOTICE AND MOTION**

22 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD: Plaintiff Sleep Science
 23 Partners, Inc. ("Plaintiff") hereby files an application to permit counsel for Plaintiff, Heather G.

1 Flick to appear telephonically on Thursday, January 13, 2011 at 1:30 p.m. for Defendants'
2 Motion for Sanctions.

3 **MEMORANDUM**

4 This application is being made because prior to the Court's order setting the hearing date
5 for Defendants'' Motion for Sanctions, lead counsel for Plaintiff, Heather G. Flick, was
6 scheduled to be in the Los Angeles area at that time.

7 Plaintiff believes it is important for Heather G. Flick to appear before the court on
8 January 13, 2011 because she has personal knowledge concerning the facts underlying the
9 Motion for Sanctions as well as associated motions concerning the filing of documents under
10 seal.

11 Dated: January 12, 2011

12 THE FLICK GROUP

13 By: /S/ Heather Flick
14 Heather Flick
Attorneys for Plaintiff
Sleep Science Partners, Inc.

15 **DECLARATION OF HEATHER FLICK**

- 16 1. My name is Heather G. Flick. I am one of the attorneys of record for the plaintiff in this
17 action. I am an individual over the age of eighteen (18) years. Except for matters
18 asserted on information and belief, which I am informed and believe to be true, I make
19 this declaration of my personal knowledge and, if called as a witness, I could and would
20 testify competently to the facts set forth herein.
- 21 2. I make this Declaration in Support of Plaintiff Sleep Science Partners, Inc. ("Sleep
22 Science'')'s Motion for Relief and An Order to Seal Documents.
- 23 3. As of the time of the Court's order setting the hearing date for the Motion for Sanctions, I
24 was scheduled to be in the Los Angeles area on January 13, 2011.

1 4. It is important that I appear before the court on January 13, 2011, because I have personal
2 knowledge concerning the facts underlying the Motion for Sanctions as well as associated
3 motions concerning the filing of documents under seal.
4

5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct.

7 Dated: January 12, 2011

/s/ Heather G. Flick

Heather G. Flick

8
9
10 **GRANTED. Counsel shall contact CourtCall, telephonic court**
11 **appearances at 1-888-882-6878, and make arrangements for**
12 **the telephonic conference call.**

13 DATED: January 12, 2011

