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10 Attorneys for Defendants  
 KATRINA WEBSTER, DANIEL WEBSTER  
 11 and SLEEPING WELL, LLC

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 OAKLAND DIVISION

16 SLEEP SCIENCE PARTNERS, INC., etc.,	)	CASE NO.: CV09-4200CW
	)	
17 Plaintiff,	)	Honorable Claudia Wilken
	)	
18 vs.	)	<b>APPLICATION OF GARY L. FRANKLIN,</b>
	)	<b>ESQ. TO APPEAR TELEPHONICALLY</b>
19	)	
20 AVERY LIEBERMAN, an individual,	)	Date: January 13, 2011
KATRINA WEBSTER, an individual,	)	Time: 1:30 p.m.
21 DANIEL WEBSTER, an individual,	)	Courtroom: G
SLEEPING WELL, LLC, etc., et al.,	)	Judge: Magistrate Judge Zimmerman
22	)	
23 Defendants.	)	
	)	

24  
 25 **NOTICE AND MOTION**

26 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD: Defendants hereby file an  
 27 application to permit Defendants' counsel, Gary L. Franklin, to appear telephonically on Thursday,  
 28 January 13, 2011 at 1:30 p.m. for Defendants' Motion for Sanctions.

1 This Application is being made because Mr. Franklin is lead counsel for Defendants and has  
2 knowledge of the matters before the Court. Defendants' counsel, Patrick McCarthy, will be appearing  
3 in person and taking the lead for today's hearing. Mr. Franklin's appearance by phone would be  
4 limited to explaining matters set forth in his Declarations or answering any questions the Court might  
5 have, if appropriate, given his personal knowledge of such matters.

6 Executed this 13<sup>th</sup> day of January, 2011 in Burlington, Vermont.

7  
8  
9 /s/ Gary Franklin  
10 Gary Franklin  
11 Attorneys for Defendants

