

*John P. Schmitz, Esq.*

1019 8<sup>th</sup> Street, Suite 301, Golden, CO 80401

phone: 303-384-3922 • fax: 1.866.903.0052 • e-mail: jschmitz@mandzattorneys.com

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January 29, 2010

Hon. Joseph C. Spero  
Court Room A, 15<sup>th</sup> Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

RE: **Craters & Freighters v. Daisychain Enterprises, et al.**  
**United States District Court Case No. CV-09-04531**

Dear Judge Spero:

I am one of the attorneys representing plaintiff in the above-referenced matter. Your Honor has rescheduled the hearing for the Motion for Default Judgment on February 5, 2010 at 9:30AM.

I live in Colorado and am a licensed attorney in both California and Colorado, yet I reside in Colorado. I had planned to attend the hearing on January 29, 2010, but am unable to attend in person on February 5, 2010. My co-counsel will be present at the hearing.

~~However, this letter is to request permission to appear at the hearing telephonically thru CourtCall.~~ You may respond by letter to the above-captioned address, telephone to 303-384-3922, or email to jschmitz@mandzattorneys.com. Counsel shall be on phone standby starting at 9:30 AM. The Court will initiate the phone contact.

Sincerely,

s/John P. Schmitz  
Signature on file with Court  
John P. Schmitz  
Attorney for Plaintiff

Dated: Feb. 1, 2010

