

**KAYE SCHOLER LLP**

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April 14, 2010

Magistrate Judge Joseph C. Spero  
United States District Court for the Northern District of California  
450 Golden Gate Avenue  
Courtroom A, 15<sup>th</sup> Floor  
San Francisco, California 94102

Re: *Celestica Corporation v. Soma Networks, Inc.*, No. C. 09-05678 SBA (JCS)

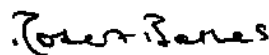
Dear Judge Spero:

On behalf of Celestica Corporation (“Celestica”), we respectfully request that the Court accept Celestica’s motion for a default judgment (the “Default Judgment Motion”) on the papers or permit Celestica to appear by phone at the April 23, 2010 hearing (the “April 23 Hearing”).

On December 4, 2009, Celestica commenced the above-referenced breach of contract action against Soma Networks, Inc. (“Soma”) by service of a summons and complaint (the “Complaint”). [Dkt. Nos. 1, 3, 7.] Soma neither answered nor otherwise responded to the Complaint. On January 22, 2010, Celestica moved for entry of default against Soma, which the Court granted on January 25, 2010. [Dkt. No. 8, 9.] On January 28, 2010, Celestica filed the Default Judgment Motion, which the Court referred to the Chief Magistrate Judge or her designee for Report and Recommendation. [Dkt. Nos. 10, 11.] In the Default Judgment Motion, Celestica presented un rebutted evidence of its right to a judgment in the amount of \$4,124,076.02, plus prejudgment interest. On February 4, 2010, this Court issued a Notice of Reference, Time and Place of Hearing, and Order on Plaintiff’s Motion for Default Judgment (the “Notice of Reference”), which ordered Soma to serve an opposition to the Default Judgment Motion no later than twenty-one (21) days prior to the April 23 Hearing. [Dkt. No. 12.] To date, Soma has not opposed the Default Judgment Motion.

Since Soma has not opposed the Default Judgment Motion and Celestica’s lead attorney resides in New York City, with its local counsel in Los Angeles, Celestica respectfully requests that the Court accept the Default Judgment Motion on the papers or, alternatively, permit Celestica to appear at the April 23 Hearing by phone. If the Court permits Celestica to appear by phone, we will be available from 9:30 a.m. on my landline, which is 310-788-1180.

Sincerely,



Robert Barnes

cc: Soma Networks, Inc. (by First Class Mail)

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**PROOF OF SERVICE**

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1999 Avenue of the Stars, Suite 1700, Los Angeles, California 90067.

On April 15, 2010, I served the documents described as

- 1. LETTER REQUESTING PHONE CONFERENCE

by placing a true copy of the above-entitled document in a sealed envelope addressed as follows:

**Soma Networks, Inc.  
F. Paul Eller, Agent Authorized to  
Accept Service  
650 Townsend Street  
Suite 305  
San Francisco, CA 94103**

- by E-MAIL
- by FACSIMILE
- by U.S. MAIL (I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.)
- by FEDERAL EXPRESS (by causing such envelope to be delivered to the office of the addressee by overnight delivery via Federal Express or by other similar overnight delivery service).
- by PERSONAL SERVICE
  - by personally delivering such envelope to the addressee.
  - by causing such envelope to be delivered by messenger to the office of the addressee.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

KAYE SCHOLER LLP

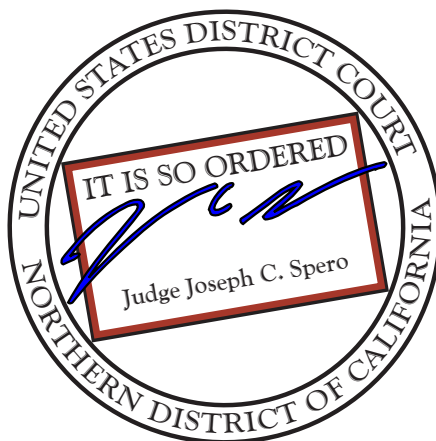
Executed on April 15, 2010, at Los Angeles, California.

Shahnaz Virani  
Name

Signature

IT IS HEREBY ORDERED that Plaintiff may appear by phone on April 23, 2010 at 9:30 AM for the hearing on their Motion for Default Judgment. The Court will initiate the phone contact and counsel shall be on phone standby beginning at 9:30 AM PST.

Dated: April 19, 2010



KAYE SCHOLER LLP

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