

## JONES DAY

555 CALIFORNIA STREET • 26TH FLOOR • SAN FRANCISCO, CALIFORNIA 94104-1500  
TELEPHONE: 415-626-3939 • FACSIMILE: 415-875-5700

Direct Number: 415-875-5765  
tstrong@jonesday.com

September 7, 2005

Honorable James Ware  
United States District Court  
280 S. First Street, #2112  
San Jose, CA 95113-3008

Re: *Slattery v. Apple Computer, Inc.*  
USDC Case No. 5:05-cv-00037 (JW)

Dear Judge Ware:

The parties have met and conferred about the upcoming case management conference and hereby request the Court's guidance. As you know, the Court set a case management conference for September 19, 2005 and under the local rules, the parties' joint case management conference statement is due this Friday, September 9. Defendant's motion to dismiss is currently pending before the Court. The parties agreed that, absent a ruling on the pending motion to dismiss, we are unable to move forward on any further case management issues, such as determining what, if any, initial disclosures should be exchanged. Accordingly, we seek guidance from the Court as to whether the case management conference will be continued until the Court rules on the motion to dismiss or, if the Court would like to hold the conference on the scheduled date, what case management issues it would like the parties to address in their joint statement.

Please feel free to contact me if you require additional information. We look forward to your response.

Sincerely,



Tracy M. Strong

cc: Plaintiff's Counsel

SFI-530041v2

Service List for USDC Northern District Case No. C05-00037

Attorneys for Plaintiff:

Michael D. Braun  
Marc L. Godino  
Braun Law Group, P.C.  
12400 Wilshire Boulevard  
Suite 920  
Los Angeles, CA 90025  
Tel: 310-442-7755  
Fax: 310-442-7756

Roy A. Katriel  
The Katriel Law Firm, P.C.  
1101 30<sup>th</sup> Street, NW  
Suite 500  
Washington, DC 20007  
Tel: 202-625-4342  
Fax: 202-625-6774

Jacqueline Sailer  
Eric J. Belfi  
Murray, Frank & Sailer LLP  
275 Madison Avenue  
Suite 801  
New York, NY 10016-1101  
Tel: 212-682-1818  
Fax: 212-682-1892