

April 4, 2005

Honorable Maria-Elena James
United States District Court Magistrate Judge
Courtroom B, 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *Posey v. City of Oakland*
USDC Case No. C 04 2693 MJJ

Dear Judge James:

The above-entitled case is set for a settlement conference before you on April 12, 2005 at 10:00 a.m. I have conferred with all counsel on the case, and all agree that the case is not ready for settlement discussions. I contacted your courtroom deputy, Brenda Tolbert, who provided September 7, 2005 at 10:00 a.m., for the continued settlement conference. All counsel is available for the September 7 settlement conference. In addition, there is a recently filed companion case (*Markus Brown v. City of Oakland*, Case No. C 05 00883 BZ) which may be ready for settlement discussions by the September 7 date. Thank you for your consideration in re-scheduling the settlement conference for September 7, 2005 at 10:00 a.m.

Respectfully submitted,

/S/

Ben Nisenbaum

Cc: James B. Chanin, Esq.
Stephen Q. Rowell, Deputy City Attorney