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TELECOMMUNICATIONS TRANSMITTAL SHEET
April 22, 2004

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TO: Jonathan Kanov, Esq./Fischman et al. FAX: (305) 576-7079
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FROM: Jason S. Gerlach

TOTAL NO. OF PAGES (including this cover page): 2

COMMENTS: **Jonathan:**

Please disregard my earlier version of this letter. It contained inadvertent typos. The applicable Local Rule is 7-2, not 7-1.

Jason



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Opr: _____
RETURN TO: Jason S. Gerlach (8)
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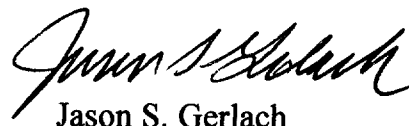
Re: *Misha Consulting Group, Inc. v. Source Medical Solutions, Inc. —
Case No. C 02-04908 JW*

Dear Jonathan:

We received on Monday, April 19, 2004 the Motion for Partial Summary Judgment you filed on behalf of your client Source Medical Solutions, Inc. ("Source") in the above-referenced action. Pursuant to paragraph 8 of the Court's Scheduling Order (the "Order"), the deadline for the filing and service of dispositive summary judgment motions such as the Motion filed and served by Source on April 19 was April 5, 2004—35 days prior to the May 10, 2004 deadline for hearings of such motions set by the Court's Order. We refer you as well to Northern District of California Local Rule 7-2 which also states a 35 day service and service deadline for motions filed in the Northern District. Source's Motion was filed fourteen days after the deadline in violation of the Court's Scheduling Order and Local Rule 7-2.

Given the fact that Source's Motion was filed in violation of the Court's Order and Local Rule 7-2, it should be withdrawn immediately. If we have not received notification from you by 9:00 a.m. on Friday, April 23, 2004, we will assume that Source does not intend to withdraw its improper Motion, and will proceed to move to strike the Motion and request sanctions under Federal Rule of Civil Procedure 16 for Source's disregard of the Court's Scheduling Order and the Local Rules.

Very truly yours,


Jason S. Gerlach