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October 4, 2008

The Honorable Jeremy Fogel  
United States District Court for the Northern District of California  
280 South 1st Street  
San Jose, California 95113

Re: *Goddard v. Google, Inc.*, No. 08-02738 (JF)

Dear Judge Fogel,

I submit this letter as local counsel and on behalf of Ethan Preston, who appeared before you on October 3, 2008 in the above-captioned matter to argue Plaintiff's Motion for Remand.

Until the Firm received a letter from counsel for Defendant Google, Inc. on October 3, 2008, the Firm was unaware that Mr. Preston's application for admission *pro hac vice* had not been entered by the Court prior to Mr. Preston's appearance. I would like to personally apologize to the Court on behalf of the Firm and Mr. Preston for this oversight.

I have reviewed the underlying facts and can advise the Court as follows: the argument on the remand motion was assigned to Mr. Preston on October 1, 2008. The Firm has confirmed that Mr. Preston's application for admission *pro hac vice* was drafted, signed and sent on October 2, 2008 by USPS for delivery on October 3, 2008 to the Office of the Clerk of the San Jose Division at 280 South First Street, Room 2112, San Jose, California 95113 pursuant to the *Instructions for Pro Hac Vice Admission* posted on the Court's website. It was the intention of the Firm and Mr. Preston that the Court be apprised of the pending status of Mr. Preston's application prior to the commencement of the argument.

Alerting the Court of the pending motion has been the regular practice of this firm when appearing before the Northern District. It is with deep regret that Mr. Preston overlooked the need to alert the Court to his pending *pro hac vice* application. The practice of Mr. Preston and the other lawyers of the firm is to take the Local Rules and the integrity of the Court very seriously and always move and obtain an Order for admission *pro hac vice* prior to the first appearance. Neither Mr. Preston nor any other attorney associated with the firm has before overlooked the obligations of *pro hac* admission. The Firm is further reviewing these circumstances and its practices to ensure future compliance with Local Rule 11-8.

Very truly yours,

s/Alan Himmelfarb

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