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STATE OF MINNESOTA

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April 23, 2009

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The Honorable Arthur J. Boylan
United States Magistrate Judge
334 Federal Building
316 N. Robert Street
St. Paul, MN 55101

VIA FACSIMILE
(651) 848-1212

Re: *State of Minnesota v. CMI of Kentucky, Inc.*
Case Number: CV-08-603 (DWF/AJB)

Dear Judge Boylan:

Pursuant to your Order/Notice of Settlement Conference, dated March 5, 2009, all parties to the above-referenced matter are required to attend the settlement conference scheduled for 9:00 a.m. on May 6, 2009. We respectfully request that the Court modify its Order to require that the parties be available by telephone instead of being physically present at the settlement conference. Counsel for each party will have considerable authority to negotiate settlement, but may have to communicate with their respective client depending on developments at the settlement conference.

Thank you for your consideration of this joint request.

Sincerely,

FOR THE STATE OF MINNESOTA

s/ Alan I. Gilbert

Alan I. Gilbert
Solicitor General
(651) 296-9717

FOR CMI OF KENTUCKY, INC.

s/ William McNab

William McNab, Esq.
Winthrop & Weinstine, P.A.
(612) 604-6447

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FOR PLAINTIFF-INTERVENORS

s/ Charles Ramsay
Charles Ramsay
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