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Attorneys for Plaintiff
Sleep Science Partners, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SLEEP SCIENCE PARTNERS, INC., a
California corporation,

Plaintiff,

vs.

AVERY LIEBERMAN, an individual,
KATRINA WEBSTER, an individual,
DANIEL WEBSTER, an individual, and
SLEEPING WELL, LLC, a Vermont limited
liability corporation, and DOES 1-10,

Defendants.

Case No. CV09-4200CW

Hon. Magistrate Judge Bernard Zimmerman

**APPLICATION TO APPEAR
TELEPHONICALLY**

Hearing Date: January 13, 2011, 1:30 p.m.

NOTICE AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD: Plaintiff Sleep Science
Partners, Inc. ("Plaintiff") hereby files an application to permit counsel for Plaintiff, Heather G.

Flick to appear telephonically on Thursday, January 13, 2011 at 1:30 p.m. for Defendants' Motion for Sanctions.

MEMORANDUM

This application is being made because prior to the Court's order setting the hearing date for Defendants' Motion for Sanctions, lead counsel for Plaintiff, Heather G. Flick, was scheduled to be in the Los Angeles area at that time.

Plaintiff believes it is important for Heather G. Flick to appear before the court on January 13, 2011 because she has personal knowledge concerning the facts underlying the Motion for Sanctions as well as associated motions concerning the filing of documents under seal.

Dated: January 12, 2011

THE FLICK GROUP

By: /S/ Heather Flick
Heather Flick
Attorneys for Plaintiff
Sleep Science Partners, Inc.

DECLARATION OF HEATHER FLICK

1. My name is Heather G. Flick. I am one of the attorneys of record for the plaintiff in this action. I am an individual over the age of eighteen (18) years. Except for matters asserted on information and belief, which I am informed and believe to be true, I make this declaration of my personal knowledge and, if called as a witness, I could and would testify competently to the facts set forth herein.
2. I make this Declaration in Support of Plaintiff Sleep Science Partners, Inc. ("Sleep Science")'s Motion for Relief and An Order to Seal Documents.
3. As of the time of the Court's order setting the hearing date for the Motion for Sanctions, I was scheduled to be in the Los Angeles area on January 13, 2011.

1 4. It is important that I appear before the court on January 13, 2011, because I have personal
2 knowledge concerning the facts underlying the Motion for Sanctions as well as associated
3 motions concerning the filing of documents under seal.

4
5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct.

7 Dated: January 12, 2011

/s/ Heather G. Flick

Heather G. Flick

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10 GRANTED. Counsel shall contact CourtCall, telephonic court
11 appearances at 1-888-882-6878, and make arrangements for
12 the telephonic conference call.

13 DATED: January 12, 2011

