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15 Attorneys for Plaintiff
16 Sleep Science Partners, Inc.

17 **UNITED STATES DISTRICT COURT**
18
19 **NORTHERN DISTRICT OF CALIFORNIA**
20
21 **OAKLAND DIVISION**

22 SLEEP SCIENCE PARTNERS, INC., a
23 California corporation,

24 Plaintiff,

vs.

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

29 Defendants.

30 Case No. CV09-4200CW
31 Hon. Magistrate Judge Bernard Zimmerman

32 **APPLICATION TO APPEAR
33 TELEPHONICALLY**

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

35 **NOTICE AND MOTION**

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

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

3 **MEMORANDUM**

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

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

11 Dated: January 12, 2011

12 THE FLICK GROUP

13 By: /S/ Heather Flick
14 Heather Flick
15 Attorneys for Plaintiff
16 Sleep Science Partners, Inc.

17 **DECLARATION OF HEATHER FLICK**

18 1. My name is Heather G. Flick. I am one of the attorneys of record for the plaintiff in this
19 action. I am an individual over the age of eighteen (18) years. Except for matters
20 asserted on information and belief, which I am informed and believe to be true, I make
21 this declaration of my personal knowledge and, if called as a witness, I could and would
22 testify competently to the facts set forth herein.
23
24 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.
25
26 3. As of the time of the Court's order setting the hearing date for the Motion for Sanctions, I
27 was scheduled to be in the Los Angeles area on January 13, 2011.

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

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

Dated: January 12, 2011

/s/ Heather G. Flick

Heather G. Flick

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

DATED: January 12, 2011

