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January 17, 2005

VIA E-FILING

The Honorable James Larson
Magistrate Judge
United States District Court
Northern District of California
450 Golden Gate
San Francisco, CA. 94102

Re: Davis v. City of Oakland, et al.
Case No. C04-1694 SBA

Dear Judge Larson:

I am writing to advise the Court that the parties in the above-entitled action have reached a settlement in principal of the entire action, subject to approval by the City of Oakland City Council.

Accordingly, I am writing to request that the Court enter a 90 day conditional dismissal with the proviso that in the event that the matter is not finally resolved within the next 90 days, Plaintiff may request that the matter be restored to active status.

The parties also respectfully request that the Court vacate the settlement conference scheduled for January 18, 2005, in light of the settlement reached independent by the parties.

Thank you for your consideration in this matter.

Very truly yours,


JAMES B. CHANIN

Cc: Stephen Q. Rowell, Esq.