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RECEIVED
 1/7/05

January 7, 2005

04-CV-043
 Won't Testify 1/12 SF

Via Facsimile

John K. Rabiej, Chief
 Rules Committee Support Office
 Administrative Office of the United States Courts
 Washington, D.C. 20544

Re: *January 12, 2005 San Francisco Hearing*

Dear Sir:

I will be unable to testify at the hearing on the proposed amendments to the Federal Rules of Civil Procedure scheduled for January 12, 2005 in San Francisco, California. I am no. 18 on the List of Witnesses. Please remove my name. Thank you for your assistance.

Sincerely,



Tracy R. Kirkham

TRK:sel

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04-CV-043

Request to Testify
 1/12 San Francisco

To: Peter McCabe (By Facsimile 202-502-1766)

From: Tracy R. Kirkham, Esq.
 Cooper & Kirkham, P.C.
 655 Montgomery Street, Suite 1700
 San Francisco, CA 94111
 (415) 788-3030
 (415) 882-7040 fax
trk@coopkirk.com

Date: December 13, 2004

Re: Notice of Intent to Testify at January 12, 2005 Hearing on Civil Rules

Please allow this memo to serve as notice that Tracy R. Kirkham will appear and testify at the Hearing on the Civil Rules scheduled for January 12, 2005 in San Francisco, California.

Thank you.