



May 16, 2006

Hon. Vaughn R. Walker
Chief Judge
United States District Court
for the Northern District of California
Courtroom 6
450 Golden Gate Avenue, 17th Floor
San Francisco, CA 94102

Hepting v. AT&T, C-06-0672-VRW

Dear Judge Walker:

Plaintiffs have received defendants' fax of 2:30 this afternoon concerning their last-minute request to close the courtroom during tomorrow's hearing. Defendants have known from this Court's Order of April 26, 2006 (Dkt. 78) that this issue would be discussed on May 17, yet have given no reason why they waited until this afternoon to raise it with the Court.

Contrary to the implication given in the fax, plaintiffs strongly object to the closing of the courtroom and believe that the matters at issue can be discussed without excluding the public. Mr. Tien simply told Mr. Anderson that he needed to consult with co-counsel before giving a formal response and did not state that the plaintiffs had no position on this question.

Plaintiffs have also been informed by several members of the media, including the Associated Press, Bloomberg News, and the San Francisco Chronicle, that if the Court is willing to entertain defendants' request to close the courtroom during a conference call this afternoon or at some other time, they wish to be allowed join the call and to be allowed to present their positions. Plaintiffs believe the two amici on these issues would also wish to be heard.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Cindy A. Cohn'.

Cindy A. Cohn

David Anderson
Bruce Ericson
via facsimile