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August 28, 2018

Via: **E-File**

Office of the Clerk
United States Court of Appeals
For the Ninth Circuit
95 Seventh Street
San Francisco, California 94103-1526

Re: *Rodriguez, et al., v. City of San Jose, et al.* | Case No.: 17-17144

Dear Clerk:

Pursuant to the Notice of Docket Activity filed August 27, 2018, regarding counsel availability for oral argument in the San Francisco sitting, Counsel for Appellants (Rodriguez, et al.) is NOT available for the December 17-21, 2018 sessions.

Counsel for Appellants IS available for the following San Francisco sessions:

1. January 14-18, 2019.
2. February 4-8, 2019.
3. February 11-15, 2019.

Sincerely,

/s/ Donald Kilmer

Donald E. J. Kilmer, Jr.
Attorney for Appellants

cc: clients via email
Ms. Laskowska, Deputy City Attorney for San Jose via e-file