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7 **Attorneys for Plaintiff:**

8 TINA MA, an individual and successor in  
9 Interest of JOSEPH MA

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**

12 **-oOo-**

13 **TINA MA, an individual and successor in** )  
14 **Interest of JOSEPH MA,** )

15 **Plaintiff,** )

16 **vs.** )

17 **CITY OF FRESNO; CHIEF OF POLICE** )  
18 **JERRY DYER; in his individual and official** )  
19 **capacities; and Does 2-50, inclusive,** )

20 **Defendants.** )  
21 )  
22 )

**Case No. 1:15-cv-01426 WBS-MJS**

**PLAINTIFF'S REQUEST TO  
ALLOW LATE PRE-TRIAL  
CONFERENCE STATEMENT  
FILING ; ORDER**

23 Comes the Plaintiff, TINA MA, by counsel, STANLEY S. MA, Attorney at  
24 LAW, and moves the Court to accept the late filing of Plaintiff's Pre-Trial  
25 Conference Statement. As grounds for its motion, Plaintiff's counsel submits  
26 that he was made aware the Pre-Trial Conference Statement requirement. As  
27 such, the matter was placed on my personal calendar on my cellphone with a  
28 back-up reminder at my reception office desk. That I am a solo practitioner

1 and manage my own calendar on my cell phone. That sometime after the matter  
2 was placed in my calendar, I took my cell phone into the Apple store for a  
3 screen repair. However, when I went to retrieve my phone, the store agent  
4 informed me that all the information was lost and as such they provided me a  
5 new phone. That even though I backed-up most off my information, all of my  
6 calendar information contained in a separate 3<sup>rd</sup> party application was lost.  
7 Immediately after learning of the loss of information, I made my best effort  
8 to replicate my calendar. Even so, my calendar was not 100% replicated. To  
9 compound matters, several reminder notes for cases I had at my reception desk  
10 were lost or damaged during a break-in on August 15, 2017. On that occasion,  
11 an intruder broke into my office only gaining access to my reception area and  
12 was only able to take stationary, my notebook and other small office  
13 supplies. A Police report documenting the break-n was made by me. That  
14 because of the two issues above, my calendar and notes were not available to  
15 remind to file the Pre-Trial Conference Statement by September 11, 2017. That  
16 after being emailed by the courtroom deputy regarding my statement, I began  
17 working on the document immediately, and subsequently contacting opposing  
18 counsel to address some issues required in my statement. That because of  
19 several other matters and court appearances, the earliest I could complete  
20 the document was by September 14, 2017. That I informed opposing counsel of  
21 my delay but was informed by him he would still be able to file a timely Pre-  
22 Trial Conference Statement.

23 The late filing was not done for purposes of delay, and there is no  
24 prejudice to the Defendants. For these reasons, I respectfully request that  
25 the Court accept the late filing of Plaintiff's Pre-Trial Conference  
26 Statement.

27 I certify that on September 14, 2017, I electronically filed the  
28 foregoing with the Clerk of the Court by using the CM/ECF system, which will

1 send notice of electronic filing giving notice to opposing counsel of this  
2 request to file a late Pre-Trial Conference Statement.

3 /S/ STANLEY S. MA

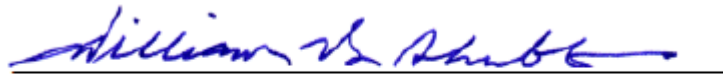
4 DATED: 9/14/17

5 \_\_\_\_\_  
6 STANLEY S. MA, ATTORNEY FOR PLAINTIFF

7 **IT IS SO ORDERED.**

8 Plaintiff's Pre-Trial Conference Statement shall be deemed timely  
9 filed.

10 Dated: September 18, 2017

11   
12 **WILLIAM B. SHUBB**  
13 **UNITED STATES DISTRICT JUDGE**