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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Lillie Willis, et al.,

NO. C 04-02305 JW

Plaintiffs,

**ORDER EXTENDING TRIAL SCHEDULE**

v.

City of Oakland, et al.,

Defendants.

On September 8, 2011, the Court issued a Preliminary Pretrial Conference Scheduling Order in this case. (hereafter, "September 8 Order," Docket Item No. 191.) On September 9, 2011, the parties filed a letter requesting that the Court "reconsider his [sic] plan." (See Docket Item No. 192.) In their letter,<sup>1</sup> the parties contend that both sides will be unable to prepare their motions *in limine* or proposed jury instructions by the date specified in the Court's September 8 Order, on the grounds that: (1) the parties have "yet to carry out expert discovery"; (2) counsel for both sides have other cases that require their attention; and (3) the "possibility of settlement is not yet dead."<sup>2</sup> (*Id.* at

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<sup>1</sup> Because the parties wrote a letter, ignoring the Court's published policy that any request for action by the Court must be made by way of a properly filed motion, this matter has only recently come to the Court's attention.

<sup>2</sup> In the parties' Updated Joint Preliminary Pretrial Conference Statement, their sole contention as to scheduling was that "[t]his matter should be set for trial with a date a sufficient time out for the parties to engage in further discussions with Magistrate [Judge] Corley." (Docket Item No. 190 at 5.) In the parties' prior Joint Preliminary Pretrial Conference Statement, they contended that "[t]his matter should be set for trial in November 2011." (Docket Item No. 186 at 4.) On September 22, 2011 and September 28, 2011, the parties engaged in settlement discussions with Judge Corley, failing to settle on both occasions. (See Docket Item Nos. 194, 195.)


1 1-2.) The parties further request that the Court extend the deadlines in its September 8 Order for  
2 between sixty to ninety days.<sup>3</sup> (Id. at 2.)

3       Upon review, and in light of the parties' contentions regarding the inability of either side to  
4 comply with the Court's September 8 Order, the Court finds good cause to CONTINUE the trial  
5 schedule. However, in light of the age of the case, and the fact that the parties have allowed this  
6 case to languish, the Court will only grant a brief continuance. Accordingly, the September 8 Order  
7 is modified as follows:

- 8       (1)     The Final Pretrial Conference is CONTINUED to **November 21, 2011 at 11 a.m.**  
9       (2)     The Joint Pretrial Conference Statement, *In Limine* Motions, and Proposed Jury  
10       Instructions are due on or before **October 21, 2011.**  
11       (3)     Jury selection will take place on **December 6, 2011 at 9 a.m.**  
12       (4)     Sessions 1-4 of the Jury Trial will be on **December 6-9, 2011, 1 p.m. - 4 p.m.**  
13       Sessions 5-6 will be on **December 13-14, 2011, 1 p.m. - 4 p.m.**  
14       (5)     Argue & Submit will take place on **December 15, 2011 at 1 p.m.**  
15       (6)     Jury Deliberations will take place from **December 15-16, 2011, if necessary.**

16       No other aspect of the Court's September 8 Order is changed by this Order. The Court will  
17 not entertain any further requests for extension of time.

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20 Dated: September 30, 2011

  
\_\_\_\_\_  
JAMES WARE  
United States District Chief Judge

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25 <sup>3</sup> The Court's September 8 Order stated that the parties were "ordered to comply" with the  
26 trial schedule set out in that Order, which provided that a Joint Pretrial Conference Statement, In  
27 Limine Motions, and Proposed Jury Instructions were due on September 16, 2011. (September 8  
28 Order at 1.) In lieu of following the instructions clearly set forth in the Court's September 8  
Order—and in lieu of filing a properly noticed motion requesting relief from the deadlines imposed  
by the September 8 Order—the parties wrote the letter discussed above.

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Christopher Andrew Kee ckee@oaklandcityattorney.org  
3 Dennis Cunningham denniscunningham@juno.com  
4 James F. Hodgkins jhodgkins@oaklandcityattorney.org

5 **Dated: September 30, 2011**

**Richard W. Wieking, Clerk**

6 **By:           /s/ JW Chambers**  
7 **Susan Imbriani**  
8 **Courtroom Deputy**

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