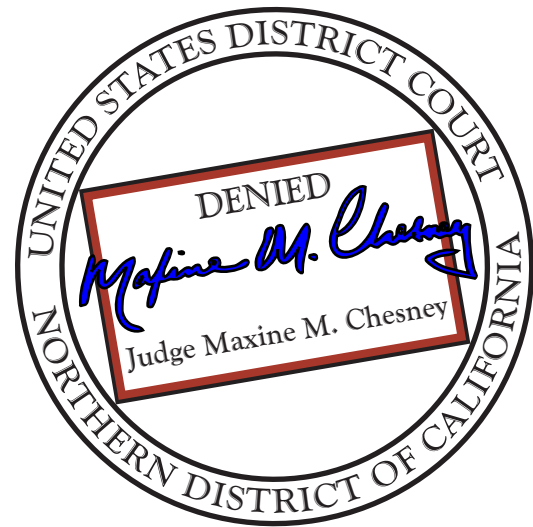


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8  
 9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12  
 13 **SEAN FRANCIS McCLOSKEY LAILA**  
**McCLOSKEY, D. McCLOSKEY, a Minor,**

14 Plaintiffs,

15 v.

16  
 17 **SPIKE HELMICK, M. COURTNIER J.**  
**WHITE,**

18 Defendants.

Case No.: C05-04641 MMC

**DEFENDANTS' REQUEST FOR  
 CONTINUANCE OF CASE  
 MANAGEMENT CONFERENCE**

**Date: Friday, December 9, 2011**

**Time: 10:30 a.m.**

**Courtroom: 7 (19th Floor)**

**Judge The Honorable Maxine M.  
 Chesney**

**Action Filed: November 10, 2005**

21 The California Attorney General's Office, which represents Defendants California Highway  
 22 Patrol Officers Courtnier and White in the above-entitled lawsuit, requests a continuance of the  
 23 currently scheduled case management conference.

24 On November 18, 2011, Deputy Attorney General Tom Blake retired from the California  
 25 Attorney General's Office. He made various attempts to reach plaintiffs' counsel before his  
 26 retirement. In addition to the current status of the case, Deputy Attorney General Blake intended  
 27 to discuss with plaintiffs' counsel the prospects of informally resolving the lawsuit. These  
 28 attempts to reach plaintiffs' counsel were unsuccessful.

1 On December 2, 2011, Supervising Deputy Attorney General John P. Devine attempted to  
2 reach plaintiffs' counsel by telephone to discuss the imminent case management conference, and  
3 the filing of a joint case management conference statement. Defendants' counsel's efforts were  
4 unsuccessful.

5 On December 7, 2011, Supervising Deputy Attorney General John P. Devine notified this  
6 Court and the clerk about the reassignment of this case to him.

7 Defendants' counsel intends to file a motion for summary judgment, which intention has  
8 previously been discussed with this Court and plaintiffs' counsel. Defendants desire to obtain a  
9 briefing schedule for the motion for summary judgment.

10 Given defendants' counsel's recent assignment to this lawsuit, as well as the inability to  
11 confer with plaintiffs' counsel about the status of the lawsuit and a briefing schedule, defendants  
12 request a continuance of the further case management conference for two weeks so that a joint  
13 case management conference statement can be filed to address, in a comprehensive manner, the  
14 status of the lawsuit and the proposed future course of action.

15 Accordingly, Defendants respectfully request a two-week continuance of the currently  
16 scheduled case management conference. Alternatively, Defendants request that the Court set a  
17 briefing schedule for Defendants' motion for summary judgment pursuant to Rule 56.

18 Dated: December 7, 2011

Respectfully submitted,

19 KAMALA D. HARRIS  
20 Attorney General of California

21 s/s John P. Devine  
22 JOHN P. DEVINE  
23 Supervising Deputy Attorney General  
24 *Attorneys for Defendants California  
Highway Patrol Officers Mike Courtnier and  
Jon White*

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