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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AUGUSTINE FALLAY,

Plaintiff,

v.

CITY AND COUNTY OF SAN
FRANCISCO, et al.,

Defendants.

Case No. [08-cv-02261-CRB](#) (JCS)

**ORDER CONTINUING HEARING ON
MOTION FOR WITHHOLDING
ORDER**

Re: Dkt. No. 257

Defendants First American Specialty Insurance Company, Robert Dalton, and Cindy Lloyd (collectively, the “FASIC Defendants”), who previously obtained a judgment against Plaintiff Augustine Fallay (“Augustine”), have moved for a withholding order allowing them to collect that judgment from the wages of Augustine’s wife, Zainab Fallay (“Zainab”).¹ Augustine filed an opposition brief, the FASIC Defendants filed a reply, and the motion had been set for a hearing on August 11, 2017.

On July 25, 2017, Zainab filed a letter to the Court (dkt. 263) stating that she is separated from Augustine, that she has not been involved with this case, that she only recently received notice of the present motion from Augustine, and that she is not able to attend the August 11 hearing due to the recent suicide of her son, who was honorably discharged from the United States Army days before his death.

In light of Zainab’s letter, **the hearing on the FASIC Defendants’ motion is CONTINUED to August 25, 2017 at 9:30 AM in Courtroom G, located on the fifteenth floor of the federal courthouse at 450 Golden Gate Avenue, San Francisco, California.** The FASIC Defendants should be prepared to address, among other relevant issues: (1) why Zainab did not

¹ For clarity and ease of reference, this order refers to Mr. and Mrs. Fallay by their first names. No disrespect is intended.

1 receive notice of the FASIC Defendants’ motion to withhold her wages; and (2) the effect of
2 Zainab’s separation from Augustine on the present motion, *see* Cal. Fam. Code § 771(a) (“The
3 earnings and accumulations of a spouse . . . while living separate and apart from the other spouse,
4 are the separate property of the spouse.”). Zainab should be prepared to address when she
5 separated from Augustine and whether the two still live together.

6 Zainab, who is not currently represented by counsel, is encouraged to consult with the
7 Federal Pro Bono Project’s Legal Help Center in either of the Oakland or San Francisco federal
8 courthouses. The San Francisco Legal Help Center office is located in Room 2796 on the fifteenth
9 floor at 450 Golden Gate Avenue, San Francisco, California. The Oakland office is located in
10 Room 470S on the fourth floor at 1301 Clay Street, Oakland, California. Appointments can be
11 made by calling (415) 782-8982 or signing up in the appointment book located outside either
12 office, and telephone appointments are available. Lawyers at the Legal Help Center can provide
13 basic assistance to parties representing themselves but cannot provide legal representation. **If**
14 **Zainab chooses to consult with the Legal Help Center, the Court requests that the Legal**
15 **Help Center provide an ex parte recommendation as to whether Zainab is an appropriate**
16 **candidate for appointment of volunteer counsel.**

17 The Clerk is instructed to serve a copy of this order on Zainab by mail and to add her to the
18 docket of this case as an interested party.

19 **IT IS SO ORDERED.**

20 Dated: July 26, 2017

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23 JOSEPH C. SPERO
24 Chief Magistrate Judge
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