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7 Attorneys For Defendant
 8 CITY AND COUNTY OF SAN FRANCISCO

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 THEODORE TARVER JR.,
 12 Plaintiff,

13 vs.

14 CITY OF SAN FRANCISCO, a public
 15 entity, *et al.*,
 16 Defendants.

The case management conference has been continued to 9/11/09 @ 3:00 p.m. A joint statement shall be filed a week prior to the conference. Requests continue should be filed as separate documents along with a proposed order. If Plaintiff plains to move to amend the complaint, he must do so immediately.



Case No. C-08-03500 SI

**JOINT CASE MANAGEMENT
 STATEMENT FOR THIRD CASE
 MANAGEMENT HEARING**

FRCP, Rule 26(f)
 Civ. L.R. 16-9(a)

CMC Date: May 22, 2009
 Time: 3:00 p.m.
 Ctrm: 10, 19th Floor
 Honorable Susan Illston

Action Filed: June 8, 2008
 Trial Date: December 7, 2009

1 Having met and conferred as required by Federal Rule of Civil Procedure 26(f), the parties
2 hereby submit the following case management statement. The parties only include the sections of
3 the initial case management statement previously submitted to this Court in which there are changes
4 or status updates.

5 IV. **Motions**

6 Defendant anticipates bringing a summary judgment motion on plaintiff's entire complaint
7 by August 5, 2009. Pursuant to the Court's scheduling Order, the hearing on that motion will be
8 September 11, 2009.

9 VI. **Discovery**

10 The City has taken Plaintiff's deposition. The City does not anticipate taking any other
11 depositions in this case at this time. Plaintiff has noticed the deposition of the person most
12 knowledgeable of 17 categories of information. Some of those depositions are scheduled for May
13 15, 2009. It is likely the remaining depositions will occur within one to two weeks after that.

14 The parties have exchanged written discovery requests and responses.

15 XIII. **Any other matters:**

16 Plaintiff sees leave of court to add claims under 42 USC 1983, specifically

17 (a) Civil Rights - Taking of Chosen Profession (42 USC 1983/ *Squaw Valley*)

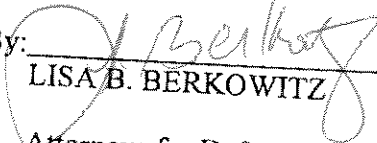
18 Defendant will oppose any such motion to amend based on *Engquist v. Oregon Dept. of*
19 *Agriculture*, 128 S.Ct. 2146 (June 9, 2008), in which the Supreme Court recently declined to extend
20 the "class of one" equal protection claim set forth in *Squaw Valley Development Company v.*
21 *Goldberg*, 375 F.3d 936 (9th Cir. 2004) to public employment. Defendant will also oppose the
22 motion on timeliness and prejudice grounds.
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1 The parties hereby stipulate that a further CMC hearing is not necessary at this time in this
2 case. The parties have no objection to the Court taking the May 22, 2009 hearing off calendar.
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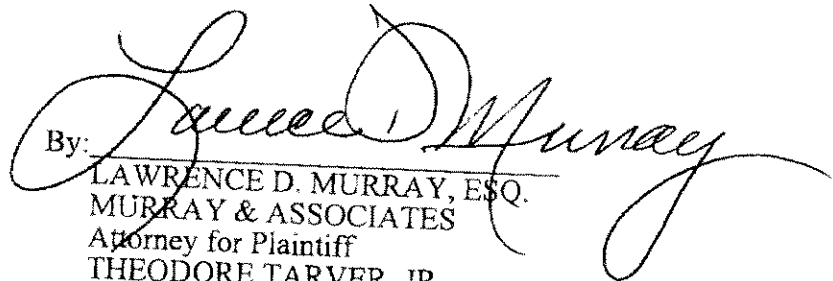
5 Dated: 5/13/09

6 Respectfully submitted,

7 DENNIS J. HERRERA
8 City Attorney
9 ELIZABETH S. SALVESON
10 Chief Labor Attorney
11 LISA B. BERKOWITZ
12 Deputy City Attorney

13 By: 
14 LISA B. BERKOWITZ
15 Attorneys for Defendant
16 CITY AND COUNTY OF SAN FRANCISCO

17 Dated: 5/13/09

18 By: 
19 LAWRENCE D. MURRAY, ESQ.
20 MURRAY & ASSOCIATES
21 Attorney for Plaintiff
22 THEODORE TARVER, JR.