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8 Attorneys for Defendant
9 ANTHONY PIRONE, individually and in his personal
10 capacity as a police officer for the Bay Area Rapid Transit
11 District

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 WANDA JOHNSON, individually and as
15 personal representative of the ESTATE of
16 OSCAR J. GRANT III, the ESTATE OF
17 OSCAR J. GRANT III, SOPHINA MESA as
18 Guardian ad Litem of minor, T.G.,

19 Plaintiffs,

20 vs.

21 BAY AREA RAPID TRANSIT DISTRICT;
22 GARY GEE, in his official capacity as CHIEF
23 OF POLICE for BAY AREA RAPID TRANSIT
24 DISTRICT, JOHANNES MEHSERLE
25 individually and in his official capacity as a
26 police officer for BART; MARYSOL
27 DOMENICI, individually and in her official
28 capacity as a police officer for BART,
ANTHONY PIRONE, individually and in his
personal capacity as a police officer for the Bay
Area Rapid Transit District; and DOES 1-50,
inclusive

Respondents.

CASE NO.: C09-00901 MHP

REQUEST BY DEFENDANT ANTHONY
PIRONE PURSUANT TO LOCAL RULE
16.10(b) FOR LEAD COUNSEL TO BE
EXCUSED FROM INITIAL CASE
MANAGEMENT CONFERENCE, AND
~~PROPOSED~~ ORDER

Date: June 8, 2009

Time: 4:00 p.m.

Location: Courtroom 15, 18th Floor

Judge: The Honorable Marilyn Hall Patel

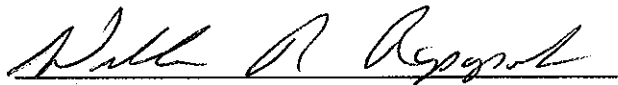
1 Local Rule 16.10(b) requires that lead counsel attend the initial case management
2 conference "unless excused by the Judge." Lead counsel for Defendant Anthony Pirone,
3 William R. Rapoport, will be unable to attend the initial case management conference as he is
4 currently scheduled to be in trial before Judge Ronald M. Whyte on June 1, 2009 in the case
5 entitled Employers Insurance of Wausau v. California Water Service Company, U.S. District
6 Court Case No. 5:06-cv-03002-RMW.

7 Rather than request re-scheduling of the case management conference due to Mr.
8 Rapoport's unavailability, it is respectfully requested that he be excused from attendance, and
9 that Alison Berry Wilkinson, lead counsel for Defendant Marysol Domenici, be permitted to
10 appear specially at the initial case management conference on behalf of Defendant Pirone.

11 Dated: May 18, 2009.

12 Respectfully submitted,

13 LAW OFFICES OF WILLIAM R. RAPOPORT

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15 William R. Rapoport
16 Attorney for Defendant ANTHONY PIRONE,
17 individually and in his personal capacity as a police
18 officer for the BAY AREA RAPID TRANSIT
19 DISTRICT

20 IT IS SO ORDERED.

21
22 Dated: 5/19/2009

23 The Hono



1 PROOF OF SERVICE BY MAIL -- CCP 1013, 2015.5

2 I declare that: I am employed in the County of San Mateo, California. I am over the age
3 of eighteen (18) and not a party to the within entitled cause; my business address is 643 Bair
4 Island Road, Suite 400, Redwood City, California 94063 .

5 On the date below, in the manner indicated, I caused the within document(s) entitled
6 **REQUEST BY DEFENDANT ANTHONY PIRONE PURSUANT TO LOCAL RULE**
7 **16.10(b) FOR LEAD COUNSEL TO BE EXCUSED FROM INITIAL CASE**
8 **MANAGEMENT CONFERENCE, AND PROPOSED ORDER**

9 to be served on the party(s) or their attorney(s) of record in this action:

10 Via Mail: That I am readily familiar with our business practice for collection and
11 processing of mail. On the same day that correspondence is placed for collection
12 and mailing, it is deposited with the United States Postal Service that same day in
13 the ordinary course of business, that the name and address of the person served as
14 shown on the envelope, and the date and place of business where the
correspondence is placed for deposit in the United States Postal Service and that
the envelope was sealed and placed for collection and mailing on that date
following ordinary business practices.

15 Via Personal Service: I instructed each envelope to be hand-delivered via

16 Via Overnight Courier: I caused each envelope to be delivered via overnight mail
17 by _____.

18 Via Facsimile: I instructed such to be transmitted via facsimile to the office(s) of
19 the addressee(s).

20 **Via e-File:** Filing parties were served by e-file

21 Addressed as follows:

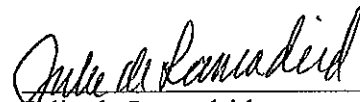
22 John L. Burris, Esq.
23 Adante D. Pointer, Esq.
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I declare under penalty of perjury that the foregoing is true and correct, and that this
declaration was executed on May 18, 2009, at San Mateo, California.


Julie de Lamadrid