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10	UNITED STATES DISTRICT COURT
11	NORTHERN DISTRICT OF CALIFORNIA
12	SAN FRANCISCO DIVISION
13	DAN HARTMANN,)
14	Plaintiff,) Case No. CV-09-3227 WHA
15	v.) NOTICE OF CLARIFICATION AND
16) STIPULATION AND PROPOSED ORDER CHRISTIAN HANSON, et al.,) TO CONTINUE DECEMBER 3, 2009
17) CASE MANAGEMENT CONFERENCE Defendants.)
18)
19)
20	Pursuant to the duty to promptly correct misstatements to the Court, federal defendant
21	Christian Hanson hereby specially appears in this action for the sole and limited purpose of filing
22	this Notice of Clarification and Stipulation and Proposed Order to Continue December 3, 2009
23	Case Management Conference.
24 25	
25 26	NOTICE OF CLARIFICATION
20 27	Due to an unintentional mistake in the editing of the Stipulation and Proposed Order to
28	Continue Initial Case Management Conference, that pleading erroneously stated: "Once the
	United States Department of Justice approves the request for representation, AUSA Scharf will

promptly file an answer and make the require initial disclosures on behalf of the federal
defendants." That sentence should have read: "Once the United States Department of Justice
approves the request for representation, AUSA Scharf will promptly respond to the complaint on
behalf of the federal defendant Hanson" as the following sentence in the pleading makes clear.
Counsel for plaintiff has acknowledged the unintentional error.

By way of further update, the United States Department of Justice has now authorized
AUSA Scharf to represent federal defendant Hanson in this action. However, federal defendant
Hanson has still not been properly served pursuant to FRCP 4, which also requires service on the
Office of the United States Attorney. As a professional courtesy, AUSA Scharf has agreed to
accept service on his office by mail and the parties expect this to be accomplished soon.

After federal defendant Hanson has been properly served, AUSA Scharf intends to espond to the complaint by filing a motion to dismiss or, in the alternative, a motion for summary judgment, raising the defense of qualified immunity. AUSA Scharf intends to notice that motion for hearing on January 7, 2010. In connection with that motion, AUSA Scharf intends to ask the Court to stay discovery (including initial disclosures) pending adjudication of that motion. See Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982) ("[u]ntil this threshold immunity question is resolved, discovery should not be allowed."); accord Crawford-El v. Britton, 523 U.S. 574, 598 when defendants plead an immunity defense, "the district court should resolve that threshold question before permitting discovery").

NOTICE OF CLARIFICATION AND STIPULATION AND PROPOSED ORDER

1	STIPULATION AND PROPOSED ORDER TO CONTINUE DECEMBER 3, 2009
2	CASE MANAGEMENT CONFERENCE
3	Through counsel, plaintiff and defendant Hanson jointly request that the December 3,
4	2009 Case Management Conference be continued as AUSA Scharf is not available on that day
5 6	because he will be taking the deposition of the plaintiff in a multi-party case at 10:00 a.m. in San
0 7	
8	Jose. Therefore, the parties jointly request that the December 3, 2009 Case Management
9	Conference be continued to either January 7, 2010 (to occur immediately after the federal
10	defendant's anticipated dispositive motion is heard) or, alternatively, to December 10, 2009.
11	Respectfully submitted,
12	Dated: October 20, 2009
13	<u>/S/</u>
14	James A. Scharf Assistant United States Attorney
15 16	Counsel for Federal Defendant Hanson
10	Stipulation and Proposed Order approved by plaintiff:
18	Dated: October 20, 2009
19	<u>/S/</u>
20	David L. Wright Counsel for Plaintiff
21	ORDER
22	The case management conference is hereby CONTINUED to J anuary 7, 2010 [or
23	December 10, 2009] at 11:00 a.m. Please file a joint case management statement at least seven days prior.
24 25	
25 26	Dated: October <u>29</u> , 2009 Hon. William Strap
20	United States District Court Index
28	
	NOTICE OF CLARIFICATION AND STIPULE In Judge William Alsup
	DISTRICT OF CEN

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