

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUDITH C. MAY,

No. CV 09-03461 CRB

Plaintiff,

**ORDER REGARDING SUBMISSION
FROM CITY**

v.

RICHMOND CITY OF,

Defendant.

The Court is in receipt of a letter from the City of Richmond, defendants in the above-captioned case, dated December 10, 2009. The City requests that the parties be permitted to make additional copies of a CD recording of a small claims dispute involving Plaintiff, and further request that the ENE end date currently set for January 21, 2010 be extended to February 10, 2010 in order to allow the parties to review the CD.

Plaintiff attached the CD to a chambers copy of her original complaint, filed in July 2009. Plaintiff failed to file a copy of the CD with the clerk's office. In August 2009, the Court dismissed Plaintiff's complaint as insufficient under Rule 8(a) and Ashcroft v. Iqbal, ___, U.S. ___, 129 S. Ct. 1937, 1949 (2009), and further noted that it had listened to Plaintiff's CD and found that it failed to fill in the missing information in the complaint. The Court then disposed of Plaintiff's CD. Plaintiff filed an amended complaint in September 2009, which did not attach another copy of the CD. Accordingly, the Court does not have a

1 copy of the CD to make available to the parties, nor does it consider the CD to be a part of
2 the current record.

3 The Court will extend the ENE deadline until February 10, 2010, to allow the parties
4 time to find an additional copy of the CD or determine how to proceed without one.

5 **IT IS SO ORDERED.**



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8 Dated: December 14, 2009

CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

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