

# CITY OF OAKLAND



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January 14, 2010

Honorable Susan Illston  
U.S. District Court  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: Turner v. City of Oakland  
United States District Court, Case No. C-09-03652-SI

Dear Judge Illston:

On January 14, 2010, defendants in the captioned matter filed a motion to dismiss the Second Amended Complaint, which is set for hearing on **March 5, 2010**. The initial case management conference is set for **January 22, 2010**. As the motion to dismiss might dispose of some or all of this action, we call our filing to the Court's attention so the case management conference will not be heard until after a determination about the viability of plaintiff's claims.

I am submitting this request by letter rather than stipulation, as Mr. Johnson, plaintiff's counsel, has refused to stipulate to continue the upcoming conference and initial disclosure deadline, but has told me he would not oppose a motion or request to continue it. Given the timing of the upcoming hearings, counsel's forcing me to make another motion (after forcing me to make an ex parte request for an enlargement of time to respond to the Second Amended Complaint) strikes me as an exercise in unnecessary busywork. Therefore, defendants would greatly appreciate the Court continuing the case management conference date until after ruling on the upcoming motion. Thank you for the Court's courtesy.

The case management conference  
is continued to Friday, April 2,  
2010, at 2:30 p.m.

Very truly yours,

JOHN A. RUSSO  
City Attorney

Arlene M. Rosen  
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cc: Wayne Johnson

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