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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5

6 JOHN DOHERTY,

7 Plaintiff,

No. 09-4961-EDL

8 v.

**ORDER REGARDING REQUEST TO
CONTINUE CASE MANAGEMENT
CONFERENCE; ORDER TO SHOW
CAUSE**

9 CITY OF ALAMEDA and CITY OF
10 ALAMEDA HOUSING AND BUILDING
CODE HEARING AND APPEALS BOARD,

11 Defendants.
12 _____/

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14 The Court is in receipt of the parties' request to continue the case management conference
15 currently set for April 19, 2011 to September 6, 2011. This Court has previously granted the parties'
16 requests for additional time for mediation, stayed discovery, and vacated the trial date in light of the
17 parties' representations that mediation efforts were progressing successfully and that an additional
18 mediation session would occur by March 1, 2011. The parties now request that the case management
19 conference be continued for an additional six months to allow for an inspection of the property and
20 continued mediation efforts. While the Court is sympathetic to the parties' efforts to keep costs
21 down while attempting to informally resolve the case, the Court is also concerned that this case is
22 not proceeding expeditiously. Therefore, the Court denies the request to continue the case
23 management conference for six months as requested, but will continue the case management
24 conference for two months, until June 21, 2011. If the case is not resolved by that date, the Court
25 will hold the case management conference and set dates for a prompt trial at that time.

26 Additionally, as the parties are aware, the Court previously stayed consideration of Plaintiff's
27 former attorney, Lee Grant's, Motion for an Attorney's Lien (Dkt. #47) in light of Plaintiff's Notice
28 of Voluntary Bankruptcy Petition (Dkt. #68). Mr. Grant has recently informed the Court
that Plaintiff's bankruptcy petition was dismissed on October 15, 2010. See Dkt No. 88. Therefore,

1 Plaintiff is Ordered to Show Cause within two weeks of the date of this Order why the stay imposed
2 in light of Plaintiff's bankruptcy filing should not be lifted, and Mr. Grant's Motion for an
3 Attorney's Lien should not be returned to the Court's active calendar and heard on the next available
4 hearing date. The Court has appointed Plaintiff counsel for the limited purpose of assisting him
5 with Court-sponsored mediation, and therefore appointed counsel need not participate in responding
6 to this Order to Show Cause. Plaintiff is a registered ECF user and should be able to personally
7 explain to the Court in writing, and electronically file, any reasons he believes that the stay should
8 not be lifted and/or the motion should not be heard on short order.

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IT IS SO ORDERED.

Dated: April 14, 2011



ELIZABETH D. LAPORTE
United States Magistrate Judge