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5 Attorney for Plaintiff

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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**
10

11 **MARK JOHNSON**

12 Plaintiff,

13 vs.

14
15 **THE CITY AND COUNTY OF SAN**
16 **FRANCISCO, THE CIVIL SERVICE**
17 **COMMISSION OF SAN FRANCISCO**
and THE SAN FRANCISCO FIRE
DEPARTMENT

18 Defendant.

) CASE NO. CV 09 5503-JSW

) **PLAINTIFF'S EX PARTE NOTICE AND**
MOTION TO CONTINUE CASE
MANAGEMENT CONFERENCE,
AFFIDAVIT, AND ~~PROPOSED~~ ORDER

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21 TO THE CLERK OF COURT

22 Notice is hereby given that Plaintiff MARK JOHNSON, moves the Court to vacate the
23 date currently set for the Case Management Conference, April 9, 2010, and to set a new date.

24 Plaintiff's motion is based upon ths Notice of the Motion and the Affidavit of Murlene J.
25 Randle, Attorney for the Plaintiff.

26 Dated: March 30, 2010

Law Offices of Murlene J. Randle

27 By 

28 Murlene J. Randle

AFFIDAVIT OF MURLENE J. RANDLE

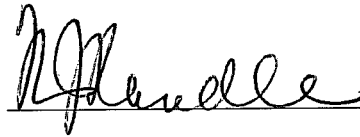
I, Murlene J. Randle, declare:

1. That I am the attorney of record for Mark Johnson, the Plaintiff herein.
2. That I filed an order of Substitution of Attorney with this court on Tuesday, March 23, 2010, where I sought to replace the Plaintiff who was representing himself in Pro Se.
3. That this court signed the order granting my request to appear as attorney for Plaintiff on March 24, 2010.
4. That I caused the Plaintiff's complaint and summons to be served on the Defendants named herein on Monday, March 22, 2010.
5. That the Defendants herein are the City and County of San Francisco, the San Francisco Fire Department and the San Francisco Fire Commission.
6. That, based on information and belief, the City and County of San Francisco and its agents, will be represented by an Assistant City Attorney who will be assigned to this matter from the Office of the City Attorney.
7. That, to date, I have not been notified of the Assistant City Attorney who will be, or has been assigned, to this matter.
8. That, to date, no answer has been filed by the Defense in this matter; and it is my belief that the statutory time for filing the answer in this matter by the Defense is still ongoing.
9. That prior to substituting in as counsel for the Plaintiff, I noticed several depositions for the first two weeks of April, 2010, in another matter, and that one of these depositions fall on the date that the court has set for the Case Management Conference herein, April 9, 2010.
10. That based on all the foregoing, there has been no Initial Disclosures, Meeting and Conferring among the parties, nor has a Joint Case Management Statement been prepared in this matter; and that these mandated functions by the court cannot

1 occur until there has been an appearance and an answer filed by the Defense
2 herein.

3
4 I declare the foregoing under penalty of perjury in the County of San Francisco, on March
5 30, 2010.

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7 Dated: March 30, 2010

A handwritten signature in cursive script, appearing to read "M. Randle", is written over a horizontal line.

8 Murlene J. Randle, Esq.

9 Attorney for the Plaintiff
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COURT ORDER

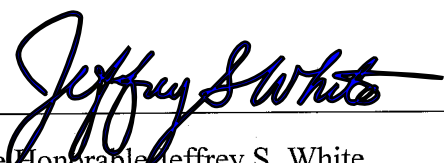
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Good Cause appearing, the above Motion to Continue the Date of the Case Management Conference currently scheduled for ~~March 9~~ April 9, 2010, is granted. A new date of June 18, 2010 at 1:30 p.m. is hereby ordered for the Case Management Conference in this matter.

IT IS SO ORDERED. A joint case management conference statement is due to be filed no later than June 11, 2010.

April 6, 2010

Dated: ~~March~~ _____, 2010



The Honorable Jeffrey S. White
United States Judge