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 8 CITY AND COUNTY OF SAN FRANCISCO  
 and MAYOR GAVIN NEWSOM  
 9

10  
 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 RICHARD ASPEN,

14 Plaintiff,

15 vs.

16 GAVIN NEWSOM, MAYOR;  
 17 CITY OF SAN FRANCISCO, CA,

18 Defendants.

Case No. C09-5589 CRB

**STIPULATION AND ~~PROPOSED~~ ORDER  
 EXTENDING INITIAL CASE MANAGEMENT  
 CONFERENCE AND ADR DEADLINES**

**(Civil Local Rule 7-12)**

Honorable Charles R. Breyer

Hearing Date: March 5, 2010  
 Time: 8:30 a.m.  
 Place: 19<sup>th</sup> Floor, Courtroom 8

**STIPULATION**

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3 WHEREAS, on November 24, 2009, Plaintiff Richard Aspen filed a Complaint against Mayor  
4 Gavin Newsom and the City and County of San Francisco (the "City");

5 WHEREAS, on January 21, 2010, the City filed a Motion to Dismiss the Complaint for lack of  
6 standing and failure to state a claim upon which relief can be granted;

7 WHEREAS, the City's Motion to Dismiss is scheduled to be heard on March 26, 2010;

8 WHEREAS, pursuant to this Court's November 25, 2009 Order Setting Initial Case  
9 Management Conference and ADR Deadlines, the Initial Case Management Conference is currently  
10 scheduled for March 5, 2010;

11 WHEREAS, in light of the pending hearing on the Motion to Dismiss, the Parties agree that it  
12 would be an inefficient use of the Court's resources to hold a Case Management Conference before the  
13 Court has heard and decided the City's Motion to Dismiss;

14 WHEREAS, the Parties further agree that it would be difficult to complete initial disclosures, a  
15 discovery plan or a Case Management Statement at this stage in the litigation;

16 WHEREAS, the Parties agree, subject to the Court's approval, that all of the dates in the  
17 November 25, 2009 Order Setting Initial Case Management and ADR Deadlines should be continued  
18 until after the March 26, 2010 hearing on the City's Motion to Dismiss; now, therefore,

19 **IT IS HEREBY STIPULATED AND AGREED**, by and among Plaintiff and Defendants,  
20 through Defendants' counsel, subject to approval of the Court, that:

- 21 1. The Initial Case Management Conference is continued to Friday, April 30, 2010 at 8:30  
22 a.m.
  - 23 2. The last day to meet and confer, file ADR Certification, and file either Stipulation to  
24 ADR Process or Notice of Need for ADR Phone Conference shall be April 9, 2010.
  - 25 3. The last day to file Case Management Statement, file Rule 26(f) Report, and complete  
26 initial disclosures shall be April 23, 2010.
- 27  
28

1 Dated: February 10, 2010

2 DENNIS J. HERRERA  
3 City Attorney  
4 WAYNE SNODGRASS  
5 FRANCESCA GESSNER  
6 Deputy City Attorneys

7 By: Francesca Gessner  
8 FRANCESCA GESSNER  
9 Attorneys for Defendants  
10 CITY AND COUNTY OF SAN FRANCISCO and  
11 MAYOR GAVIN NEWSOM

12 RICHARD ASPEN  
13 By: Richard Aspen  
14 RICHARD ASPEN  
15 Plaintiff in Pro Per

16 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

17 Dated: Feb. 16, 2010

