

1 DENNIS J. HERRERA, State Bar #139669
 City Attorney
 2 WAYNE SNODGRASS, State Bar #148137
 FRANCESCA GESSNER, State Bar #247553
 3 Deputy City Attorneys
 City Hall, Room 234
 4 1 Dr. Carlton B. Goodlett Place
 San Francisco, California 94102-4682
 5 Telephone: (415) 554-4762
 Facsimile: (415) 554-4699
 6 E-Mail: francesca.gessner@sfgov.org

7 Attorneys for Defendants
 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
 CONTINUING INITIAL CASE
 MANAGEMENT CONFERENCE AND ADR
 DEADLINES**

(Civil Local Rule 7-12)

Honorable Charles R. Breyer

Hearing Date: April 30, 2010
 Time: 8:30 a.m.
 Place: 19th Floor, Courtroom 8

STIPULATION

1
2
3 WHEREAS, In its March 31, 2010 Order, this Court granted Defendants Mayor Gavin
4 Newsom and the City and County of San Francisco (the "City")'s Motion to Dismiss and granted
5 Plaintiff Richard Aspen leave to file an amended complaint within 20 days of the Order;

6 WHEREAS, Pursuant to this Court's February 16, 2010 Order Extending Initial Case
7 Management Conference and ADR Deadlines, the deadline for the Parties to meet and confer and file
8 ADR Certifications is presently scheduled for April 9, 2010, the Case Management statement is due
9 April 23, 2010, and the Initial Case Management Conference is scheduled for April 30, 2010;

10 WHEREAS, Pursuant to this Court's March 31, 2010 Order, Plaintiff's amended complaint is
11 due on April 20, 2010;

12 WHEREAS, Depending upon the contents of Plaintiff's amended complaint, the City may file
13 another motion to dismiss, which would necessitate further briefing and a hearing thereon;

14 WHEREAS, Because Plaintiff has not yet filed his amended complaint, the Parties agree that it
15 would be difficult to complete initial disclosures, a discovery plan or a Case Management Statement at
16 this stage in the litigation;

17 WHEREAS, Given that Plaintiff's amended complaint is not due until April 20th, and that the
18 City may file another motion to dismiss, the Parties further agree that it would be an inefficient use of
19 the Court's resources to hold a Case Management Conference on April 30th;

20 WHEREAS, The Parties agree, subject to the Court's approval, that all of the dates in the
21 February 16, 2010 Order Extending Initial Case Management Conference and ADR Deadlines should
22 be continued until after Plaintiff has filed his amended complaint and after the City has had an
23 opportunity to respond thereto, including the time it may take for briefing and hearing another motion
24 to dismiss; now, therefore,

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

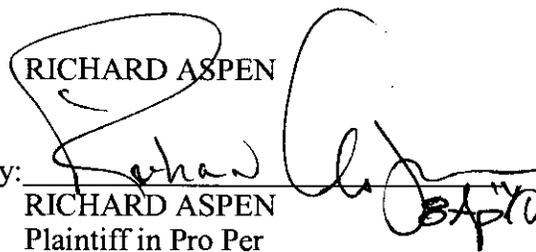
- 27 1. The Initial Case Management Conference is continued to Friday, July 16, 2010 at 8:30
28 a.m.

- 1 2. The last day to meet and confer, file ADR Certification, and file either Stipulation to
2 ADR Process or Notice of Need for ADR Phone Conference shall be June 25, 2010.
3 3. The last day to file Case Management Statement, file Rule 26(f) Report, and complete
4 initial disclosures shall be July 9, 2010.

5
6
7 Dated: April 8, 2010

8 DENNIS J. HERRERA
9 City Attorney
10 WAYNE SNODGRASS
11 FRANCESCA GESSNER
12 Deputy City Attorneys

13 By: _____ /s/
14 FRANCESCA GESSNER
15 Attorneys for Defendants
16 CITY AND COUNTY OF SAN FRANCISCO and
17 MAYOR GAVIN NEWSOM

18 By:  _____
19 RICHARD ASPEN
20 Plaintiff in Pro Per

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

22 Dated: April 9, 2010.

23
24 The Honorable

