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8 Inc. and City of Pleasanton

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10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

12

13 ZHI G. WANG and XIANGHUI YAN,

14 Plaintiffs,

15 vs.

16 CITY OF PLEASANTON; COMCAST  
CABLE COMMUNICATIONS, LLC,

17 Defendants.

18

CASE NO. C 09-05838 JSW

**ADMINISTRATIVE MOTION TO  
POSTPONE ADR DEADLINES AND  
CONFIRM CANCELLATION OF CASE  
MANAGEMENT CONFERENCE**

**Local Rule 7-11**

Trial Date: None Set

19

20 Stephen Kaus declares in support of this motion pursuant to Local Rule 7-11 by  
21 Defendants City of Pleasanton and Comcast Cable Communications, LLC ("Defendants")

22

23 1. Defendants request that this Court (1) postpone the ADR requirements under ADR  
24 Local Rule 3-5, until twenty (20) days after this matter is at issue, and (2) confirm the  
25 postponement of the Case Management Conference that the Court's website and calendar indicate  
26 is scheduled for March 26, 2010 at 1:30 p.m.

27

28 2. Defendants have filed a Motion to Dismiss and Plaintiffs have filed a Motion for  
Summary Judgment. Those motions are fully briefed and the hearing on the both motions is set  
for March 26, 2010 at 9:00 a.m..

29

1           3.       The Order Setting Initial Case Management Conference and ADR Deadlines  
2 (Docket No. 2) set an Initial Case Management Conference for March 26, 2010 at 1:30 p.m.. This  
3 conference and the corresponding deadline for the filing of a Case Management Statement remain  
4 on the Court's website and calendar although the Court vacated the Case Management Conference  
5 in its Amended Order Regarding Pending Motions (Docket No. 21) at 2:1-2.

6           4.       The case is not yet at issue, in that no answer has been filed by Defendants. The  
7 Court's ruling on the pending motions will impact the factual and legal issues in this case. The  
8 parties cannot adequately ascertain their obligations and settlement posture until the Court has  
9 ruled on the motions and the case becomes at issue.

10          5.       Defendants therefore request that the Court postpone the parties' ADR obligations  
11 until twenty days after the case is at issue, i.e. Defendants file an answer to the complaint and  
12 confirm the cancellation of the Case Management Conference.

13          6.       No previous request to continue the ADR deadlines has been requested and the  
14 postponement will not have any effect on any other court dates.

15          7.       Defendants attempted to obtain Plaintiff's agreement on a stipulation to the  
16 postponements sought by this motion, but Plaintiffs refused to do so. The undersigned spoke with  
17 Mr. Wang on the morning of Friday February 26, 2010, explained the ADR and Rule 26  
18 requirements and proposed a stipulation to postpone those requirements. I also sent an e-mail to  
19 Mr. Wang attaching a form of this motion in the form of a stipulation. On Monday March 1,  
20 2010, Mr. Wang rejected the proposal to stipulate in an e-mail response, stating that "plaintiffs  
21 have no intention to agree on any stipulation with defendants at this time." I have assumed that  
22 Plaintiff Mr. Wang speaks for his wife in this matter.

23               I declare that the forgoing is true under penalty of perjury under the laws of the State of  
24 California and that this declaration was executed on March 2, 2010 at San Francisco, California.

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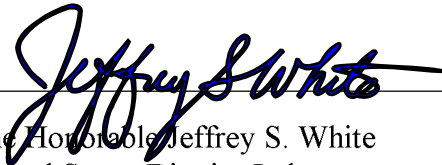
s/ \_\_\_\_\_  
Stephen Kaus, Declarant

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**ORDER**

FOR GOOD CAUSE SHOWN, the Court (1) orders the postponement the parties' ADR obligations until twenty (20) days after the case is at issue, i.e. Defendants file an answer to the complaint and (2) orders that the Court's records reflect the cancellation of the Case Management Conference previously set for March 26, 2010 at 1:30 p.m..

Dated: \_\_\_\_\_ March 5 \_\_\_\_\_, 2010

  
\_\_\_\_\_  
The Honorable Jeffrey S. White  
United States District Judge