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13 Attorneys for Plaintiff
 JOHN J. RILEY
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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17 JOHN J. RILEY, on behalf of himself and
 others similarly situated, and on behalf of the
 18 general public,

19 Plaintiff,

20 vs.

21 CITY AND COUNTY OF SAN
 FRANCISCO, DOES 1-20, inclusive,

22 Defendant.
 23
 24

Case No. CV-10-1300 SI

**STIPULATED APPLICATION TO CONTINUE
 THE INITIAL CASE MANAGEMENT
 CONFERENCE; [PROPOSED] ORDER**

Date: July 9, 2010
 Time: 2:30 p.m.
 Before: Judge Susan Illston
 450 Golden Gate Avenue
 Crtm 10, 19th Floor
 San Francisco

Trial Date: None Set

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STIPULATED APPLICATION

The initial case management conference in the above-captioned putative class action is set for July 9, 2010 at 2:30 p.m. After having met and conferred, the parties have determined that the case presents a threshold question of law, namely, whether San Francisco's ordinances governing the towing of vehicles parked on the streets for longer than 72 hours, and the manner in which San Francisco has enforced those ordinances, violates the Due Process Clause of the United States Constitution. The parties agree that this question, which presents no material factual dispute, would be best resolved at the outset of the case, prior to the conduct of discovery or class certification proceedings. Proceeding in this manner will both serve the interest of judicial economy and potentially avoid substantial and unnecessary expenses for the litigants. Accordingly, after having identified dates that accommodate the trial schedules of both sides, the parties hereby submit this stipulated application to continue the initial case management conference to November 5, 2010, with all deadlines associated with the initial case management conference similarly continued, so that the parties may file cross motions for summary judgment, to be heard on Friday, October 1, 2010 or at a subsequent date convenient to the Court. Assuming a hearing for cross-motions for summary judgment is scheduled on October 1, the parties propose the following briefing schedule:

- Plaintiff's motion for summary judgment to be filed August 25, 2010
- Defendant's cross-motion/opposition to be filed September 8, 2010
- Plaintiff's reply/opposition to be filed September 20, 2010
- Defendant's reply to be filed September 24, 2010

IT IS SO STIPULATED:

Dated: June 17, 2010

DENNIS J. HERRERA
City Attorney
WAYNE SNODGRASS
VINCE CHHABRIA
Deputy City Attorneys

By: s/Vince Chhabria
VINCE CHHABRIA

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

1 Dated: June 17, 2010

2 By: **s/Deborah England
3 Deborah C. England

4 Attorney for Plaintiff
5 JOHN J. RILEY

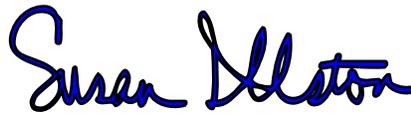
6 **Pursuant to GO 45, the electronic signatory has
7 obtained approval from this signatory.

8 **ORDER**

9 PURSUANT TO STIPULATION, IT IS SO ORDERED THAT the Initial Case Management
10 conference is continued to November 5, 2010 at 2:00 p.m.

11 IT IS FURTHER ORDERED THAT the parties' cross-motions for summary judgment shall be
12 heard at 9:00 a.m. on October 1, 2010. Plaintiff's motion for summary judgment shall be filed no later
13 than August 25, 2010. Defendant's cross-motion/opposition shall be filed no later than September 8,
14 2010. Plaintiff's opposition/reply shall be filed no later than September 20, 2010. Defendant's reply, if
15 any, shall be filed no later than September 24, 2010.

16 Date:

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18 THE HONORABLE SUSAN ILLSTON
19 United States District Court