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7 Attorneys for Defendant
 CITY AND COUNTY OF SAN FRANCISCO
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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 CALIFORNIA TOW TRUCK
 ASSOCIATION,

14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN FRANCISCO
 and DOES 1-50,

17 Defendants.
 18

Case No. C10-03184 CRB

**STIPULATED APPLICATION TO CONTINUE
 INITIAL CASE MANAGEMENT
 CONFERENCE SET FOR 10/29/2010;
 [PROPOSED] ORDER**

Hearing Date: October 29, 2010
 Time: 8:30 a.m.
 Judge/Place: The Honorable Charles R. Breyer
 Courtroom 8, 19th Floor

Date Action Filed: July 12, 2010
 Trial Date: None Set

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 23 In this case, the plaintiff contends that the defendant's ordinance, which requires tow
 24 companies and tow car operators to obtain permits before doing business in San Francisco, is
 25 preempted by federal and state law and violates the Commerce Clause of the United States
 26 Constitution. The plaintiff also contends that San Francisco has a practice of seizing tow trucks for
 27 operating without a permit, in violation of the Fourth Amendment to the United States Constitution.
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1 After conferring, the parties are in agreement that this case presents questions that can be resolved by
2 cross-motions for summary judgment, without the conduct of discovery.

3 To avoid the unnecessary expenses associated with an initial case management conference, and
4 to avoid burdening the Court's schedule, the parties hereby request that the initial case management
5 conference be continued to February 18, 2011, with all deadlines associated with the initial case
6 management conference similarly continued, so that the parties may file cross-motions for summary
7 judgment, to be heard December 3, 2010, or at a subsequent date convenient to the Court. Assuming a
8 hearing on cross-motions for summary judgment is scheduled on December 3, 2010, the parties
9 propose the following briefing schedule:

- 10 • Plaintiff's motion for summary judgment to be filed on or before October 8, 2010
- 11 • Defendant's cross-motion/opposition to be filed on or before October 22, 2010
- 12 • Plaintiff's reply/opposition to be filed on or before November 5, 2010
- 13 • Defendant's reply to be filed November 19, 2010

14
15 Dated: September 29, 2010

DENNIS J. HERRERA
City Attorney
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City Attorney
VINCE CHHABRIA
Deputy City Attorney

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19 By: s/Vince Chhabria
20 VINCE CHHABRIA
21 Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

22 Dated: September 29, 2010

LAW OFFICES OF BROOKS ELLISON

23
24 By: **s/Patrick Whalen
25 PATRICK J. WHALEN
26 Attorneys for Plaintiff
CALIFORNIA TOW TRUCK ASSOCIATION

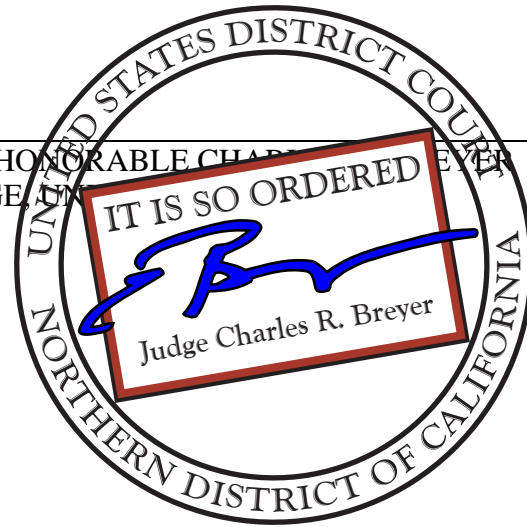
27 **pursuant to GO 45, the electronic signatory has
28 obtained approval from this signatory.

ORDER

The parties' request to continue the initial case management conference is GRANTED. The initial case management conference shall take place on February 18, 2011. The parties cross-motions for summary judgment shall be heard on December 3, 2010. Plaintiff's motion for summary judgment shall be filed on or before October 8, 2010. Defendant's cross-motion/opposition shall be filed on or before October 22, 2010. Plaintiff's reply/opposition shall be filed on or before November 5, 2010. Defendant's reply, if any, shall be filed on or before November 19, 2010.

Dated: October 1, 2010

THE HONORABLE CHARLES R. BREYER
JUDGE, U.S. DISTRICT COURT



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