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 6 IRMA RAMIREZ and DAREN HEATHERLY

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11	IRMA RAMIREZ and DAREN HEATHERLY,)	CASE NO. CV-11-4868-MEJ
12	Plaintiffs,)	
13	v.)	MOTION FOR ADMINISTRATIVE RELIEF -
14	EL DELFIN; ALICE K. WAUGH; JEFF WAUGH; LYRA J. HUTCHINS; and JOSE JORGE SARABIA, an individual dba EL DELFIN,)	REQUEST FOR CASE MANAGEMENT
15)	CONFERENCE; MEMORANDUM OF
16)	POINTS and AUTHORITIES; and
17	Defendants.)	PROPOSED ORDER SETTING CASE
18)	MANAGEMENT CONFERENCE
)	[L.R. 7-11; Gen. Order 56]

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 21 Plaintiffs Irma Ramirez and Daren Heatherly, pursuant to Local Rule 7-11 and General
 22 Order 56, hereby move this Court for Administrative Relief, and request the Court to set a Case
 23 Management Conference.

24 The case before this Court seeks, in part, relief pursuant to Title III of the Americans with
 25 Disabilities Act (“ADA”), and pursuant to California statutes of Civil Code §51, *et seq.* and §54,
 26 *et seq.*, and California Health & Safety Code §19955 *et seq.*, relief and damages.

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1 Accordingly, litigation of this case is controlled by the procedures established in General Order
2 No. 56. These procedures impose a stay on all discovery until after a mediation has been
3 completed and a case management conference has taken place.

4 General Order No. 56 provides for plaintiffs to file a motion to request a Case
5 Management Conference once a mediation has been completed. A mediation was conducted by
6 Mediator, John Koeppel on August 15, 2012. Unfortunately, the parties were unsuccessful in
7 their efforts to try and resolve the above-mentioned caption matter. This case has not settled.
8 It appears that discovery is necessary. Therefore, plaintiffs respectfully request that the matter be
9 set for a Case Management Conference.

10 Respectfully Submitted,

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12 Dated: November 9, 2012

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

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15 By: /s/Thomas E. Frankovich
16 THOMAS E. FRANKOVICH
17 Attorneys for Plaintiffs IRMA RAMIREZ and DAREN
18 HEATHERLY

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **GENERAL ORDER 56:**

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4 General Order No. 56 provides for plaintiff to file a motion to request a Case
5 Management Conference once a mediation has been completed.

6 ¶7 “ If the case does not resolve at mediation,
7 plaintiff shall within seven (7) calendar days of the
8 mediator’s filing of a Certification of ADR Sessions
9 reporting that the mediation process is concluded, file a
10 Motion for Administrative Relief pursuant to Civil Local
11 Rule 7-11 requesting a Case Management Conference.”

12
13 Dated: November 9, 2012

THOMAS E. FRANKOVICH,

14 ***A PROFESSIONAL LAW CORPORATION***

15
16 By: /s/Thomas E. Frankovich

17 THOMAS E. FRANKOVICH
18 Attorneys for Plaintiffs IRMA RAMIREZ; and
DAREN HEATHERLY

19 ~~PROPOSED~~ **ORDER**

20 **IT IS HEREBY ORDERED** that this Court will set this case for a Case Management
21 Conference.

22
23 Dated: November 13, 2012



24 _____
25 Honorable Maria-Elena James
United States Magistrate Judge

26 A case management conference is scheduled for Thursday, December 20, 2012
27 at 10:00 a.m. A joint case management statement shall be filed seven days
28 prior to the case management conference. The conference shall be heard in
Courtroom B, 15th Floor, 450 Golden Gate Ave., San Francisco, 94102.