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5 Attorneys for Plaintiffs
 6 DAREN HEATHERLY and
 7 IRMA RAMIREZ

8
 9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 DAREN HEATHERLY and)	CASE NO. CV 14-04012-SI
12 IRMA RAMIREZ,)	
13 Plaintiff,)	MOTION FOR ADMINISTRATIVE RELIEF -
)	REQUEST FOR CASE MANAGEMENT
14 v.)	CONFERENCE; MEMORANDUM OF
)	POINTS AND AUTHORITIES AND
15 GREAT CHINA; JOSEPH MURPHY)	[PROPOSED] ORDER THEREON SETTING
CORP., a California Corporation; and)	CASE MANAGEMENT CONFERENCE
16 CHEN CHENG KUNG and KIM KUNG,)	
dba GREAT CHINA)	[L.R. 7-11; Gen. Order 56]
17 Defendant.)	
)	Complaint filed: September 4, 2014

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 20 Plaintiffs DARREN HEATHERLY and IRMA RAMIREZ, pursuant to Local Rule 7-11
 21 and General Order 56, hereby move this Court for Administrative Relief and requests the Court to
 22 set a Case Management Conference in the above-captioned matter.

23 The case before this Court seeks, in part, relief pursuant to Title III of the Americans with
 24 Disabilities Act (“ADA”), and pursuant to California statutes of Civil Code §51, *et seq.* and §54,
 25 *et seq.*, and California Health & Safety Code §19955 *et seq.*, relief and damages. Accordingly,
 26 litigation of this case is controlled by the procedures established in General Order No. 56.

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1 These procedures impose a stay on all discovery until after a mediation has been completed and a
2 case management conference has taken place.

3 General Order No. 56 provides for plaintiffs to file a motion to request a Case
4 Management Conference once a mediation has been completed. A mediation was conducted on
5 September 3, 2015, by Mediator, Jonathan Lee. However, the parties were unsuccessful in their
6 efforts to try and resolve the above-mentioned caption matter. This case has not settled. It appears
7 that discovery is necessary. Therefore, plaintiffs respectfully request that this matter be set for a
8 Case Management Conference.

9 Respectfully Submitted,

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11 Dated: September 10, 2015

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

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

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **GENERAL ORDER 56:**

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

5 ¶8 “ If the case does not resolve at mediation within seven
6 (7) days of the mediator’s filing of a Certification of ADR
7 Sessions reporting that the mediation process is concluded,
8 plaintiff shall file a Motion for Administrative Relief
9 pursuant to Civil Local Rule 7-11 requesting a Case
10 Management Conference.”

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12
13 Dated: September 10, 2015

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

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16 By: /s/Thomas E. Frankovich

17 THOMAS E. FRANKOVICH

18 Attorney for Plaintiffs DAREN HEATHERLY and
19 IRMA RAMIREZ _____

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21 **~~PROPOSED~~ ORDER**

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

24 Initial Case Management Conference set for 10/16/15, at 2:30 p.m. Counsel shall file a
25 Joint Case Management Conference Statement on 10/9/15.

26 Dated: 9/11, 2015



27 HONORABLE SUSAN ILLSTON
28 Senior United States District Judge