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19 Attorneys for Plaintiff.

20 **UNITED STATES DISTRICT COURT**
 21 **NORTHERN DISTRICT OF CALIFORNIA**

22 PLASTIC POLLUTION COALITION, a
 23 project of EARTH ISLAND INSTITUTE, a
 24 non-profit organization,

25 Plaintiff,

26 v.

27 TE CONNECTIVITY *dba* TYCO
 28 ELECTRONICS CORPORATION, TE
 CONNECTIVITY NETWORKS, and TE
 CIRCUIT PROTECTION,

Defendants.

Case No. 15-cv-03658-CRB

**UNOPPOSED MOTION
 FOR RELIEF FROM CASE
 MANAGEMENT
 SCHEDULE; REQUESTING
 35-DAY EXTENSION**

ORDER

1 **MOTION**

2 Pursuant to Civ. L.R. 7-11 and 16-2(d), Plaintiff Plastic Pollution Coalition,
3 a project of Earth Island Institute (“Plastic Pollution Coalition”), by and through its
4 attorneys, hereby moves for relief from the Case Management Schedule (Docket 7,
5 Aug. 11, 2015) consisting of a 35-day extension of the Initial Case Management
6 Conference and ADR Deadlines.
7
8

9 **POINTS AND AUTHORITIES**

10
11 Good cause exists to extend the Case Management Schedule deadlines
12 because out-of-court negotiations with Defendants have been extensive and
13 promising. The parties in good faith are focusing their energy and resources on
14 reaching an early settlement to resolve their disputes. An early settlement (in the
15 form of a consent decree) would save the Court time and resources, and the
16 requested extension will potentially avoid unnecessary case management activities.
17
18 Plaintiff’s counsel is fully prepared to litigate; however, due to progress in
19 settlement negotiations and other factors, Plaintiff has not yet served Defendants
20 with the Summons and Complaint.¹ Plaintiff anticipates that a 35-day delay in the
21 Initial Case Management Conference and ADR Deadlines will allow the parties to
22 determine whether an early settlement is possible.
23
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26
27 ¹ The Complaint in this case was filed August 11, 2015. The deadline for service of
28 the Summons and Complaint is 120-days, *i.e.*, February 7, 2016.

1 Plaintiff further has consulted with Defendants' counsel, Gary J. Smith, who
2 is aware of this motion and does not object to the request for relief from the case
3 management schedule.
4

5 This request is made in good faith and is not for purposes of delay. All
6 factual representations made herein are supported by the attached Declaration of
7 James M. Birkelund.
8

9 This motion is unopposed as Defendants have yet to be served with the
10 Summons and Complaint and so have not made an appearance.
11

12
13 Dated: October 23, 2015

JAMES M. BIRKELUND

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16 By: /s/ James Birkelund
Attorney for Plaintiff

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18 GARY DAVIS, ESQ
RACHEL DOUGHTY, ESQ
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GOOD CAUSE HAVING BEEN SHOWN, IT IS SO ORDERED:

The Order Setting Initial Case Management Conference and ADR Deadlines

is hereby amended as follows:

CASE SCHEDULE – ADR MULTI-OPTION PROGRAM		
Date	Event	Governing Rule
8/11/15	Complaint Filed	
11/27/15	*Last day to: • meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan	FRCivP 26(f) & ADR L.R. 3-5
	• file ADR Certification signed by Parties and Counsel (form available at http://www.cand.uscourts.gov)	Civil L.R. 16-8(b) & ADR L.R. 3-5(b)
	• file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference http://www.adr.cand.uscourts.gov (form available at http://www.cand.uscourts.gov)	Civil L.R. 16-8(c) & ADR L.R. 3-5(b)
12/11/15	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement (also available at http://www.cand.uscourts.gov)	FRCivP 26(a) (1) Civil L.R. 16-9
12/18/15	INITIAL CASE MANAGEMENT CONFERENCE (CMC) at 8:30 AM in: Courtroom 6, 17th Floor Phillip Burton Federal Building 450 Golden Gate Avenue San Francisco, CA 94102	Civil L.R. 16-10

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* If the Initial Case Management Conference is continued, the other deadlines are continued accordingly.

Date: Nov. 2, 2015



Honorable Charles R. Breyer
District Court Judge