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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MARIA LEE KINSTLEY and KENNETH
R. KINSTLEY,

Plaintiffs,

v.

CITY & COUNTY OF SAN FRANCISCO,
CITY OF PLEASANT HILL and DIANNE
KENNY,

Defendants.

Case No. C 07-02323 SBA

**ORDER DENYING
ADMINISTRATIVE MOTION
TO CONTINUE CASE
MANAGEMENT
CONFERENCE**

[Docket No. 178]

Plaintiffs filed this action on April 27, 2007. Trial in this case was originally scheduled for February 1, 2010. On December 30, 2009, Defendant Dianne Kenny ("Defendant Kenny") moved to continue the trial date because trial in Plaintiff Maria Lee Kinstley's ("Plaintiff Kinstley") criminal case was also scheduled to commence on February 1, 2010. Defendant Kenney, who is an investigator with the San Francisco Attorney's Office and is the lead investigator in Plaintiff Kinstley's criminal case, noted that she would likely be called as a witness in the criminal trial, and therefore would potentially be prevented from testifying in her own defense in this civil matter. (Docket No. 135.) Plaintiff Kinstley opposed Defendant Kenney's motion because she believed her criminal case would be delayed "due to a technical matter." (Docket No. 146.)

On January 21, 2010, this Court vacated the trial date and set a telephonic case management conference for March 17, 2010. On March 8, 2010, Plaintiff Kinstley moved to reschedule the March 17, 2010 case management conference because the "State case versus the Kinstley's is currently scheduled for jury selection during the week of March 8, 2010 and

1 to begin March 15, 2010 and expected to last four to five weeks." (Docket No. 172.) The
2 Court granted her request and continued to case management conference to July 29, 2010 at
3 2:45 p.m.

4 Plaintiff Kinstley now moves to continue the July 29, 2010 telephonic case
5 management conference on the grounds that she "will be traveling on the road for work and
6 unable to make the call." (Docket No. 178.) Plaintiff Kinstley provides no information
7 concerning the dates, times, and/or places of her travel, nor does she state the reason, if any,
8 she is unable to participate in the telephonic case management conference from her location.
9 Given the age of this case, the fact that it has been continued for over three years in deference
10 to Plaintiff Kinstley's criminal proceedings and her requests, the Court denies the request to
11 continue the July 29, 2010 case management conference. The Court intends to reschedule the
12 trial date in this case in order to resolve Plaintiffs' claims. Plaintiffs are expected to prosecute
13 this matter. Accordingly,

14 IT IS HEREBY ORDERED that Plaintiff Kinstley's Administrative Motion to
15 Reschedule the Case Management Conference for July 29, 2010 at 2:45 p.m. is DENIED.

16 This Order terminates Docket No. 178.

17 IT IS SO ORDERED.

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19 Dated: July 14, 2010

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21 SAUNDRA BROWN ARMSTRONG
22 United States District Judge
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1 UNITED STATES DISTRICT COURT
FOR THE
2 NORTHERN DISTRICT OF CALIFORNIA

3 KINSTLEY ET AL et al,

4 Plaintiff,

5 v.

6 CITY & COUNTY OF SAN FRANCISCO ET
7 AL et al,

8 Defendant.
_____ /

9
10 Case Number: CV07-02323 SBA

11 **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on July 15, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
17 receptacle located in the Clerk's office.

18 Maria Lee Kinstley
19 P.O. Box 126
20 Walnut Creek, CA 94597

21 Dated: July 15, 2010

22 Richard W. Wieking, Clerk

23 By: LISA R CLARK, Deputy Clerk
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