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13 Attorneys for Plaintiffs

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **OAKLAND DIVISION**

17
 18 IVANA KIROLA, *et al.*,
 19 Plaintiffs,
 20 vs.
 21 THE CITY AND COUNTY OF SAN
 FRANCISCO (“the CITY”), *et al.*;
 22
 23 Defendants.

No. 4:07-CV-03685 SBA
 CLASS ACTION
**STIPULATION ON REQUEST FOR
 MODIFICATION OF BRIEFING SCHEDULE
 ON DEFENDANT CITY AND COUNTY OF
 SAN FRANCISCO’S POST-TRIAL MOTION
 FOR JUDGMENT OR CLASS
 DECERTIFICATION; ~~PROPOSED~~ ORDER**

1 **STIPULATION**

2 WHEREAS, by its Order of April 29, 2014, (Dkt. No. 663), this Court found that further
3 motion practice is appropriate in the form of a proposed post-trial motion by defendant for
4 judgment or, in the alternative, class decertification, based on Defendants’ contention that Plaintiff
5 Ivana Kirola lacked standing to seek the relief sought;

6 WHEREAS, the Court directed the City to file its motion for judgment, or alternative, class
7 decertification by May 19,2014, Kirola to file her response by June 6, 2014 and the City to file its
8 reply by June 13, 2014;

9 WHEREAS, Counsel for the City and Class Counsel both face unanticipated changed
10 circumstances affecting their ability to adhere to the above-described briefing schedule, as
11 described below;

12 WHEREAS, Elaine O’Neil, one of the attorneys for the City having primary responsibility
13 for this case has been required to travel to Rochester, New York this month to fulfill unexpected
14 family obligations;

15 WHEREAS, Ms. O’Neil is also the attorney having primary responsibility for the
16 Respondent’s brief in *Pear v. City and County of San Francisco*, California Court of Appeal Case
17 No. H040600, due on May 19, 2014;

18 WHEREAS, Ms. O’Neill was also primarily responsible for supplemental briefing that the
19 Court of Appeal ordered in *Corea v. City and County of San Francisco*, Case No. A136950 (1st
20 District), filed on May 14, 2014;

21 WHEREAS, as a result of the foregoing, Ms. O’Neil, who was expected to be a principal
22 author of the City’s motion for judgment or class decertification has been unavailable to work on
23 that motion, currently due on May 19, 2014;

24 WHEREAS, Plaintiffs have a current deadline of May 28, 2014 within which to file a reply
25 memorandum in support of a petition for review now pending before the California Supreme Court
26 in *Carter v. City of Los Angeles*, California Court of Appeal case No. B216004. Mark Johnson,
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1 one of the primary attorneys responsible for this case for the Plaintiff Class is responsible for
2 preparing that brief;

3 WHEREAS, Mr. Johnson and Guy Wallace, who is also Class Counsel in this case and who
4 has primary responsibility for the case, filed an important ex parte motion in *Willits v. City of Los*
5 *Angeles*, Case No. CV 10-05782 CBM (RZx), for which substantial briefing on reply is due on
6 May 20, 2014;

7 WHEREAS, the parties met and conferred and agreed that a modification of the existing
8 briefing schedule along the lines proposed herein would address their competing caseload and
9 personal demands on their time described above and would benefit the Court by ensuring more
10 carefully-crafted, complete and thoughtful briefing of the issues presented by the City’s motion;

11 THEREFORE, it is hereby stipulated, subject to the approval of the Court, that the briefing
12 schedule previously ordered by the Court be modified by a cumulative total of approximately
13 twelve (12) days, as follows:

<u>Deadline</u>	<u>Current Date</u>	<u>Proposed Date</u>
City’s Motion	May 19, 2015	May 27, 2014
Kirola’s Response	June 6, 2014	June 16, 2014
City’s Reply	June 13, 2014	June 25, 2014

18 IT IS SO STIPULATED.

19 Dated: May 15, 2014

SCHNEIDER WALLACE
COTTRELL KONECKY LLP

/s/
MARK JOHNSON
Counsel for Plaintiffs

24 Dated: May 15, 2014

OFFICE OF THE CITY ATTORNEY

/s/
JAMES M. EMERY
Counsel for Defendants

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ORDER

Pursuant to the foregoing stipulation of the parties, IT IS HEREBY ORDERED that the briefing schedule on Defendant City and County of San Francisco’s Motion for Judgment or, in the alternative, Class Decertification, as set forth in the Court’s Order re Further Proceedings dated April 29, 2014 (Dkt. No. 663), is modified as follows:

1. The City shall file its motion for judgment or, alternatively, class decertification by May 27, 2014;
2. Kirola’s resposnes shall be filed by June 16, 2014;
3. The City’s reply shall be filed by June 25th 2014.

All other terms of the Court’s Order of April 29, 2014 are unchanged.

DATED: May 16, 2014


SAUNDRA BROWN ARMSTRONG
United States District Judge