

1 PAUL E. FISHER, State Bar #125309  
 The Law Offices of Paul E. Fisher  
 2 537 Newport Center Dr., #289  
 Newport Beach CA 92660  
 3 Telephone: (949) 675-5619  
 Facsimile: (949) 675-5641

4 ERIC HECKER (admitted *pro hac vice*)  
 5 Emery Celli Brinckerhoff & Abady LLP  
 75 Rockefeller Plaza, 20th Floor  
 6 New York, NY 10019  
 Telephone: (212) 763-5000  
 7 Facsimile: (212) 763-5001

8 Attorneys for Plaintiff  
 METRO FUEL LLC

9 DENNIS J. HERRERA, State Bar #139669  
 10 City Attorney  
 KRISTEN A. JENSEN, State Bar #130196  
 11 THOMAS S. LAKRITZ, State Bar #161234  
 VICTORIA WONG, State Bar #214289  
 12 Deputy City Attorneys  
 City Hall, Room 234

13 1 Dr. Carlton B. Goodlett Place  
 San Francisco, California 94102  
 14 Telephone: (415) 554-6547  
 Facsimile: (415) 554-4747  
 15 E-Mail: tom.lakritz@sfgov.org

16 Attorneys for Defendant  
 CITY AND COUNTY OF SAN FRANCISCO

17  
 18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA

20 METRO FUEL LLC, a Delaware limited  
 liability company,

21 Plaintiff,

22 vs.

23 CITY OF SAN FRANCISCO, a municipal  
 24 corporation, COUNTY OF SAN  
 FRANCISCO, a subdivision of the State  
 25 of California, CITY AND COUNTY OF  
 SAN FRANCISCO, a chartered California  
 26 city and county and DOE 1 through DOE  
 10,

27 Defendants.

Case No. C07-6067 PJH

The Honorable Phyllis J. Hamilton

**JOINT CASE MANAGEMENT  
 STATEMENT AND ORDER**

Hearing Date: April 30, 2009  
 Time: 2:30 P.M.

1 The parties in this action hereby submit this Joint Case Management Statement and  
2 advise the Court as follows:

3 1. On or about April 16, 2009, the United States Court of Appeals for the Ninth  
4 Circuit denied the petition for rehearing en banc in the *Metro Lights* case.

5 2. Metro Fuel (which is the successor in interest to Metro Lights) intends to  
6 petition the United States Supreme Court for certiorari in the *Metro Lights* case. Metro Fuel's  
7 petition is due to be filed in mid-July 2009. The parties expect that the United States Supreme Court  
8 will act on the petition in October 2009.

9 3. The parties hereby jointly recommend and request that the Case Management  
10 Conference presently scheduled for April 30, 2009 be continued until November 12, 2009 at 2:30  
11 p.m., with a Joint Case Management Statement to be filed on or before October 29, 2009. The parties  
12 request that the Court vacate March 19, 2008 Order Scheduling Trial And Pretrial Matters.  
13

14 4. The continuance shall not preclude the parties from filing a motion before the  
15 Case Management Conference.  
16

17 Dated: April 23, 2009

EMERY CELLI BRINCKERHOFF & ABADY LLP

18 By: \_\_\_\_\_ /S/ \_\_\_\_\_  
ERIC HECKER

19 Attorneys for Plaintiff METRO FUEL LLC.  
20

21 Dated: April 23, 2009

DENNIS J. HERRERA, City Attorney  
KRISTEN A. JENSEN  
THOMAS S. LAKRITZ  
VICTORIA WONG

22 4/27/09



23 By: \_\_\_\_\_ /S/ \_\_\_\_\_  
THOMAS S. LAKRITZ

24 Attorneys for Defendant CITY AND COUNTY  
25 OF SAN FRANCISCO  
26