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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 [PROPOSED]
 ORDER**

Hearing Date: November 12, 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) filed its petition
6 for certiorari to the United States Supreme Court in the *Metro Lights* case on August 31, 2009.

7 3. Los Angeles's response to Metro Fuel's petition for certiorari in the *Metro*
8 *Lights* case is now due on November 16, 2009.

9 4. The parties expect that the United States Supreme Court will act on the petition
10 in January 2010.

11 5. The parties hereby jointly recommend and request that the Case Management
12 Conference presently scheduled for November 12, 2009, be continued until February 11, 2010, at
13 2:00
14 ~~2:30~~ p.m., with a Joint Case Management Statement to be filed on or before January 28, 2010.

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6. The continuance shall not preclude the parties from filing a motion before the Case Management Conference.

Dated: October 29, 2009

EMERY CELLI BRINCKERHOFF & ABADY LLP

By: _____ /S/ _____
ERIC HECKER

Attorneys for Plaintiff METRO FUEL LLC.

Dated: October 29, 2009

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

By: _____ /S/ _____
THOMAS S. LAKRITZ

Attorneys for Defendant CITY AND COUNTY OF SAN FRANCISCO

[PROPOSED] CASE MANAGEMENT ORDER

The Case Management Conference Statement of the parties is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order. The Court further orders:

IT IS SO ORDERED:

Dated: 11/2/09 _____

By: _____
HONORABLE JUDGE PHYLIS J. HAMILTON
United States District Court Judge



1 **SIGNATURE ATTESTATION**

2 (U.S.D.C. N.D. Cal. General Order 45, Section X.B)

3
4 I obtained the concurrence in the filing of this document from each other signatory, or from
5 the single signatory, in compliance with U.S.D.C. N.D. General Order 45, Section X.B.

6
7
8 Dated: October 29, 2009

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

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10
11
12
13 By: _____/S/
THOMAS S. LAKRITZ

14
15 Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO