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JAMES SELVITELLA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

11 JAMES SELVITELLA,
12 Plaintiff and Petitioner,

13 v.

14 CITY OF SOUTH SAN FRANCISCO,
CALIFORNIA, a Municipal Corporation,
15 PERSONNEL BOARD OF THE CITY OF
SOUTH SAN FRANCISCO, SOUTH SAN
16 FRANCISCO FIRE DEPARTMENT,
BARRY M. NAGEL, in his capacity as
17 SOUTH SAN FRANCISCO CITY
MANAGER, MARTY VAN DUYN, in his
18 capacity as SOUTH SAN FRANCISCO
ASSISTANT CITY MANAGER, PHILLIP
19 WHITE, individually and in his capacity as
CHIEF OF THE SOUTH SAN
20 FRANCISCO FIRE DEPARTMENT, and
DOES 1-500, inclusive,
21
22 Defendants and
Respondents.

CASE NO. C 08-04388 CW

**REQUEST FOR LEAVE FOR COUNSEL
OTHER THAN LEAD TRIAL COUNSEL
TO APPEAR AT CASE MANAGEMENT
CONFERENCE [L.R. 16-10]**

Date: December 23, 2008
Time: 2:00 p.m.
Courtroom: 2
Judge: Hon. Claudia Wilken

23
24 **NOTICE AND REQUEST FOR RELIEF**

25 Pursuant to Local Rule 16-10, James A. Lassart, Esq., lead trial counsel to plaintiff and
26 petitioner herein James Selvitella, hereby requests to be excused from personally attending the
27 Initial Case Management Conference for this action presently scheduled for Tuesday, December
28 23, 2008, 2:00 p.m. This request is made on the grounds that Mr. Lassart will be on vacation on

1 the date of the Conference, which plans he made before this Court entered its Order Setting Initial
2 Case Management Conference. Mr. Lassart personally conferred with opposing counsel as
3 required by FRCP 26(f). Mr. Selvitella would be represented at the Conference by other counsel
4 from Mr. Lassart's office, and no prejudice would therefore result from granting this request.

5 Dated: December _____, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

7 By: _____

8 JAMES A. LASSART
9 ADRIAN G. DRISCOLL
10 SPENCER C. MARTINEZ
11 Attorneys for Plaintiff and Petitioner
12 JAMES SELVITELLA

13 **DECLARATION OF JAMES A. LASSART IN SUPPORT OF REQUEST TO BE**
14 **EXCUSED FROM PERSONALLY ATTENDING INITIAL CASE MANAGEMENT**
15 **CONFERENCE**

16 I, James A. Lassart, declare as follows:

17 1. I am an attorney at law licensed to practice before all the courts of the State of
18 California, and a member of the law firm of Ropers Majeski Kohn & Bentley, counsel herein to
19 plaintiff and petitioner James Selvitella. If called as a witness, I would competently testify to the
20 following facts, all of which are within my own personal knowledge.

21 2. I am lead trial counsel to Mr. Selvitella. On or about September 18, 2008,
22 defendants removed this action to this Court and this Court entered its Order Setting Initial Case
23 Management Conference and ADR Deadlines. In its Order, the Court scheduled the Initial Case
24 Management Conference for this action on December 23, 2008. Local Rule 16-10 requires lead
25 counsel to attend unless excused by the Court.

26 3. I will be departing on vacation to Egypt and Jordan on December 18, 2008 and
27 returning after the New Year. The trip was planned and arranged before this Court entered its
28 scheduling order. I therefore respectfully request that this Court excuse me from personally
attending the Initial Case Management Conference set for December 23, 2008, and allow a

1 colleague from my office to appear on that date. I participated personally in the FRCP 26(f)
2 conference with opposing counsel, and therefore do not believe my absence on December 23rd
3 will hinder the proceedings.

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct. Executed this 3rd day of December 2008 at San Francisco,
6 California.

7
8
9 _____
10 JAMES A. LASSART

11 **ORDER**

12 GOOD CAUSE APPEARING, James A. Lassart is excused from personally attending the
13 Initial Case Management Conference herein on December 23, 2008. James Selvitella may be
14 represented at the Conference by other counsel from Mr. Lassart's office.

15 Dated: _____
16 12/5/08

17 
18 _____
19 JUDGE OF THE DISTRICT COURT