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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES SELVITELLA,
Plaintiff,

No. C 08-04388 WDB

**ORDER FOLLOWING DISCOVERY
CONFERENCE**

v.

CITY OF SOUTH SAN FRANCISCO,
et al.,
Defendants.

United States District Court
For the Northern District of California

Having held a discovery conference on June 17, 2009, and considered the written submissions and arguments of counsel, the Court declines to order that any discovery be compelled at this juncture, and will decide the discovery disputes after District Judge Wilken rules on Defendants' Motion for an Order Bifurcating the Claims Under Rule 42(b) and Staying Discovery on Section 1983 Claims. The Court refrains from ruling now on the discovery matters only because the Court concludes that to follow any other course would require making a judgment about the reach of California writ law that should be made by District Judge Wilken.

The Court does permit Plaintiff to discover the full scope of information that Fire Chief White obtained before he made the decision to terminate Plaintiff.

The Court hereby RECOMMENDS that the cutoff dates for fact discovery and expert discovery be continued by thirty (30) days, and that the last day by which parties must file dispositive motions also be continued accordingly.

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The Court will hold a further telephonic hearing on the joint letter (# 21), Defendants' Motion to Quash Subpoena (# 23) and Plaintiff's Motion to Compel (#41) on July 29, 2009, at 3:00 p.m. The parties will coordinate a briefing schedule such that the opposition briefs will be filed after District Judge Wilken rules on Defendants' motion to bifurcate, and the reply briefs will be filed by Friday, July 24, 2009.

IT IS SO ORDERED.

Dated: June 17, 2009



WAYNE D. BRAZIL
United States Magistrate Judge