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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 FRANCISCO  
20 FIRE DEPARTMENT, and DOES 1-500,  
inclusive,  
21 Defendants and  
22 Respondents.

CASE NO. C 08-04388 CW (WDB)  
**JOINT REQUEST UPON  
STIPULATION FOR ORDER  
CONTINUING CASE MANAGEMENT  
CONFERENCE**  
Date: June 15, 2010  
Time: 2:00 p.m.  
Courtroom: 2 (Hon. Claudia Wilken)

24 For the reasons set out below, all of the parties hereto request that the Court continue the  
25 Case Management Conference presently set for June 15, 2010, for a period of approximately 180  
26 days:

27 1. On December 24, 2009, the Court entered its Order denying plaintiff's Petition for  
28 Writ of Administrative Mandamus pursuant to California Code of Civil Procedure section 1094.5,

1 and staying defendants' motion for summary judgment on plaintiff's 42 USC § 1983 claim. In its  
2 Order, the Court directed entry of a Partial Judgment on the Petition for Writ of Administrative  
3 Mandamus, pursuant to Federal Rule of Civil Procedure 54(b). On that same day (December 24,  
4 2009), the Court entered its Partial Judgment Under Federal Rule of Civil Procedure 54(b).

5 2. Plaintiff subsequently filed an appeal from the Partial Judgment, which is now  
6 pending. Plaintiff filed his Opening Brief on June 7, 2010.

7 3. In its Order denying the Petition for Writ of Administrative Mandamus and staying  
8 defendants' motion for summary judgment, the Court directed that all discovery and further  
9 litigation of the Section 1983 claim was stayed pending further order of the Court following  
10 determination of an appeal from the Partial Judgment. For this reason, there has been no activity  
11 in the District Court since entry of the Order and Judgment (other than activities related to  
12 plaintiff's appeal), and it is anticipated that there will be no non-appeal related activity until  
13 determination of the appeal.

14 Accordingly, in view of the pending appeal from the Partial Judgment, in which briefing  
15 is ongoing and oral argument has not yet been scheduled, the parties jointly request and stipulate  
16 that the Case Management Conference set for June 15, 2010 be continued to a date convenient to  
17 the Court approximately six months in the future, in late November or early December 2010, or  
18 January 2011.

19  
20 Dated: June 8, 2010

ROPERS, MAJESKI, KOHN & BENTLEY

21 By: /s/ JAMES A. LASSART  
22 JAMES A. LASSART  
Attorneys for Plaintiff and Petitioner

23 Dated: June 8, 2010

MEYERS NAVE RIBACK SILVER &  
WILSON

24  
25 By: /s/ KIMBERLY COLWELL  
26 KIMBERLY COLWELL  
27 JOSEPH QUINN  
28 KAY KESSLER  
Attorneys for Defendants and Respondents

