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11 Attorneys for Defendant
 PIER 1 IMPORTS (U.S.), INC., erroneously
 12 sued herein as PIER 1 IMPORTS, INC.

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 NEMEROVSKI
 CANADY
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 & RABKIN
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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

17 TIFFANY PON,
 18 Plaintiff,
 19 v.
 20 PIER 1 IMPORTS, INC., a foreign
 corporation,
 21 Defendant.

No. CV 09-0420 PJH
 Action Filed: January 29, 2009
 DEFENDANT'S REQUEST TO
 CONTINUE THE INITIAL CASE
 MANAGEMENT CONFERENCE AND
ASSOCIATED DEADLINES
 Judge: Hon. Phyllis J. Hamilton
 Trial Date: None set

1 Pursuant to Local Rule 16-2(d), Defendant Pier 1 Imports (U.S.), Inc. (“Defendant”)
2 requests that the Court continue the Initial Case Management Conference and associated
3 deadlines for a period of 60 days.

4 The Clerk’s Notice dated April 21, 2009 (the “Notice”) set the Initial Case
5 Management Conference for July 2, 2009, at 2:30 p.m., and required the parties to file the
6 joint case management conference statement by June 25, 2009. The Notice also effectively
7 continued the deadlines for the parties to meet and confer regarding initial disclosures, early
8 settlement, ADR process selection, and a discovery plan, and to file Rule 26(f) Reports and
9 complete initial disclosures. *See* Order Setting Initial Case Management Conference and
10 ADR Deadlines, dated January 29, 2009 (“If the Initial Case Management Conference is
11 continued, the other deadlines are continued accordingly.”)

12 On May 13, 2009, M. Van Smith, counsel for Plaintiff, filed a motion to withdraw as
13 counsel on the ground that he has a medical condition that prevents him from representing
14 the plaintiff. Defendant filed a statement of non-opposition on June 9, 2009. The Court
15 issued an order on June 12, 2009, which found good cause for Mr. Smith’s withdrawal, but
16 declined to grant the motion until Plaintiff consented to the withdrawal and informed the
17 Court whether she intended to proceed in pro per or to substitute new counsel. The Court
18 vacated the hearing date on the motion to withdraw as well.

19 So far as Defendant is aware, Plaintiff has not yet consented to Mr. Smith’s withdrawal
20 or indicated how she intends to proceed with this matter. On June 26, 2009, we attempted to
21 contact Plaintiff’s counsel by telephone regarding the status of these matters. Mr. Smith
22 returned the call on the weekend and left a message agreeing to a continuance of the case
23 management conference. An accurate transcription of Mr. Smith’s voicemail is attached
24 hereto as Exhibit A.

25 In light of the uncertainties in this regard, Defendant requests that the Case
26 Management Conference and all of the associated deadlines be continued for a period of 60
27 days to permit the issue regarding the withdrawal of Plaintiff’s counsel to be resolved. We
28 are aware of no prejudice that would inure to either side from this and believe it to be in the

1 interests of justice.

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June 29, 2009.

Respectfully,

HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation

KELLY, HART & HALLMAN, P.C.

By: /s/ Dirk M. Schenkkan
DIRK M. SCHENKKAN

Attorneys for Defendant PIER 1 IMPORTS (U.S.),
INC., erroneously sued herein as PIER 1
IMPORTS, INC.

CASE MANAGEMENT CONFERENCE
CONTINUED TO 9/3/09 AT 2:30 P.M.

HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
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