

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

3  
4 KALAKE FONUA and KENNETH ASHTON  
5 FONUA,

6                                    Plaintiffs,

7                                    v.

8 CITY OF SAN MATEO, et al.,

9                                    Defendants.  
\_\_\_\_\_ /

No. C 09-05983 CW

ORDER GRANTING IN  
PART AND DENYING  
WITHOUT PREJUDICE  
IN PART  
DEFENDANTS'  
MOTION FOR RELIEF  
FROM CALENDARING  
ORDER  
(Docket No. 46)

10  
11                    Defendants City of San Mateo, et al., move for relief from the  
12 Court's Case Management Order. That Order states that all  
13 "case-dispositive motions [will] be heard at 2:00 P.M.  
14 on or before" March 31, 2011 and that a five-day jury trial will  
15 begin on July 11, 2011. Defendants misinterpreted the Order,  
16 believed that the deadline to file dispositive motions was March  
17 31, 2011 and now seek an extension on the deadline to file a motion  
18 for summary judgment. Defendants also ask that the trial date be  
19 continued to the third or fourth week of September. Pro se  
20 Plaintiffs Kalake Fonua and Kenneth Ashton Fonua did not respond to  
21 Defendants' current motion.

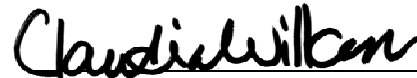
22                    The Court GRANTS in part Defendants' motion for relief from  
23 the Case Management Order and DENIES it without prejudice in part.  
24 (Docket No. 46.) If they intend to file a motion for summary  
25 judgment, Defendants shall do so by March 31, 2011. If such a  
26 motion is filed, Plaintiffs' opposition shall be due April 14,  
27 2011. In drafting their opposition, Plaintiffs may consult the  
28

1 Court's Handbook for Litigants Without a Lawyer, which is available  
2 on the Court's website, [www.cand.uscourts.gov](http://www.cand.uscourts.gov). Defendants' reply,  
3 if necessary, shall be due April 21, 2011. A hearing on  
4 Defendants' motion for summary judgment and a further case  
5 management conference will be held on May 5, 2011 at 2:00 p.m. The  
6 Court maintains the July 11, 2011 trial date. If appropriate,  
7 Defendants may renew their request at the further case management  
8 conference.

9 Per Magistrate Judge Ryu's Order of March 3, 2011, a  
10 settlement conference will be held on April 22, 2011 at 10:00 a.m.

11 IT IS SO ORDERED.

12  
13 Dated: 3/14/2011



CLAUDIA WILKEN  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 FONUA et al,

5 Plaintiff,

6 v.

7 THE CITY OF SAN MATEO et al,

8 Defendant.

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Case Number: CV09-05983 CW

**CERTIFICATE OF SERVICE**

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,  
10 Northern District of California.

11 That on March 14, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
14 in the Clerk's office.

15 Kalake Fonua  
16 2555 Illinois Street  
17 East Palo Alto, CA 94303

18 Kenneth Ashton Fonua  
19 2555 Illinois Street  
20 East Palo Alto, CA 94303

21 Dated: March 14, 2011

22 Richard W. Wieking, Clerk  
23 By: Nikki Riley, Deputy Clerk  
24  
25  
26  
27  
28