



The Original Library Movement

January 24, 2011

James Chaffee

63 Stonybrook Avenue
San Francisco, CA 94111

VIA U.S. MAIL

Office of the Clerk
U.S. District Court
Northern District of California
1301 Clay Street, Suite 400S
Oakland, CA 94612-5212

FILED
JAN 26 2011
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Re: Objection to Notice Re: Noncompliance with Court Order
3:10-cv-04521-SBA, Chaffee v. San Francisco Library Commission

Dear Clerk:

On January 22, 2011, I received a document entitled a "Notice Re: Noncompliance with Court Order." This document begins with the statement:

"The parties have failed to file an ADR certification and either a Stipulation and [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone Conference as required by the Initial Case Management Scheduling Order."

I do not believe that the above is true or that the order should have been issued.

When the case was filed, an order setting the initial case management conference and ADR deadlines was issued. That order set a case management conference for February 3, and gave January 13, as the last day to file the stipulation and the ADR certification. As a part of that notice was the

Clerk, Northern District Court
January 24, 2011
Page 2

condition, noted with an asterisk, that, "If the Initial Case Management Conference is continued, the other deadlines are continued accordingly."

On December 6, 2010, the court issued a "Reassignment Order" transferring the case to the Oakland division and giving notice that "All Matters Presently Scheduled for Hearing Are Vacated."

On January 13, 2011 the court mailed a new "Case Management Scheduling Order Re Reassigned Civil Cases, and which I believe I received on January 15. The order stated that "The dates listed in the Order Setting Initial Case Management Conference Remain in effect" But of course, at that point all of the dates except the "last day to file the Rule 26(f) Report" were moot.

It is simply not reasonable for the ADR section to issue an order for "Noncompliance" with a deadline that was ineffective at the time it was missed. In other words, it would have been impossible to comply because the notice was issued after the date had passed.

It should be noted that the Notice Re: Noncompliance with Court Order was served on January 19, 2011, but came in an envelope with a postal meter stamp of January 21.

Thank you for your attention to this matter.

Very truly yours,


James Chaffee

cc: Tara Steeley, counsel for defendant
ADR Program Administrator
Judge Sandra Brown Armstrong

PROOF OF SERVICE BY MAIL

Chaffee v. City and County of San Francisco, et al.

I, Linda Chaffee, am employed in the City and County of San Francisco, State of California. I am over the age of 18 and not a party to the within action, my business address is: 63 Stoney brook Avenue, San Francisco, California 94104.

On January 24, 2011, I served the foregoing document described as:

“OBJECTION TO NOTICE RE: NONCOMPLIANCE WITH COURT ORDER”

in the above entitled matter, in the U.S. District Court, Northern District of California, Case No. 10-04521 SBA

on the persons interested in said action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Wayne Snodgrass, Tara Steeley
SF City Attorney
City Hall, Room 234
Civic Center
San Francisco, CA 94102

Timothy J. Smagacz
ADR Program
Northern District Court
450 Golden Gate, 16th Floor
San Francisco, CA 94102

Said envelopes I then caused to be deposited in the United States Mail, postage prepaid.

Executed on January 24, 2011, at San Francisco, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


Linda Chaffee