

1 DENNIS J. HERRERA, State Bar #139669  
 City Attorney  
 2 OWEN CLEMENTS, State Bar # 141805  
 Chief of Complex and Special Litigation  
 3 ERIN BERNSTEIN, State Bar #231539  
 Deputy City Attorney  
 4 1390 Market Street, Seventh Floor  
 San Francisco, California 94102-5408  
 5 Telephone: (415) 554-3975  
 Facsimile: (415) 554-3985  
 6 E-Mail: erin.bernstein@sfgov.org

7 Attorneys for Defendants  
 CITY AND COUNTY OF SAN FRANCISCO, et al.  
 8

9 STEPHEN A. TUGGY, State Bar #120416  
 MICHELLE C. FERRARA, State Bar # 248133  
 10 KELLY S. BIGGINS, State Bar #252515  
 LOCKE LORD LLP  
 11 300 South Grand Avenue, Suite 2600  
 Telephone: (213) 485-1500  
 12 Facsimile: (213) 485-1200  
 E-Mail: stuggy@lockelord.com  
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Attorneys for Plaintiff  
 14 FIRST RESORT, INC.  
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16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA

18 FIRST RESORT, INC.,  
 19 Plaintiff,  
 20 vs.

Case No. CV 11-5534 SBA

**STIPULATION, DECLARATION IN  
 SUPPORT OF STIPULATION, AND ORDER  
 EXTENDING DEFENDANTS' TIME TO  
 RESPOND TO FIRST AMENDED  
 COMPLAINT**  
 (Local Rule 6-1(b))

21 DENNIS J. HERRERA, in his official capacity  
 as City Attorney of the City of San Francisco;  
 22 BOARD OF SUPERVISORS OF THE CITY  
 AND COUNTY OF SAN FRANCISCO; and  
 23 THE CITY AND COUNTY OF SAN  
 FRANCISCO,  
 24 Defendants.  
 25

1 The parties to the above-captioned action agree as follows:

2 The time for Defendants City and County of San Francisco, Dennis J. Herrera, and Board of  
3 Supervisors ("Defendants") to file a response to the First Amended Complaint shall be extended to  
4 **November 9, 2012**. Good cause exists for such extension, as counsel for Defendants will be  
5 unavailable from October 16 to October 23, 2012 and has numerous scheduling conflicts from  
6 October 23, 2012 until November 2, 2012.

7  
8 Dated: October 15, 2012

9 DENNIS J. HERRERA  
10 City Attorney  
11 OWEN CLEMENTS  
12 Chief of Complex and Special Litigation

13 By: /s/Erin Bernstein  
14 ERIN BERNSTEIN\*  
15 Deputy City Attorney  
16 ATTORNEYS FOR DEFENDANTS  
17 CITY AND COUNTY OF SAN FRANCISCO, et al.

18 Dated: October 15, 2012

19 STEPHEN A. TUGGY  
20 MICHELLE C. FERRARA  
21 KELLY S. BIGGINS

22 By: /s/Stephen A. Tuggy  
23 STEPHEN A. TUGGY  
24 ATTORNEYS FOR PLAINTIFF  
25 FIRST RESORT, INC.

26 \*The filer of this document attests that concurrence in the filing of this document has been  
27 obtained from ALL SIGNATORIES.  
28

1 **DECLARATION**

2 I, Erin Bernstein, declare as follows:  
3

4 1. I am a Deputy City Attorney for the City and County of San Francisco and an attorney of  
5 record for defendants City and County of San Francisco, Dennis J. Herrera, and Board of Supervisors  
6 ("Defendants") in this action. The matters within this declaration are true of my personal knowledge  
7 or, where stated otherwise, upon information and belief.

8 2. Defendants request an order extending the time for Defendants to respond to Plaintiff's First  
9 Amended Complaint from October 25, 2012 to November 9, 2012.

10 3. Defendants intend to file a response to the First Amended Complaint on November 9, 2012.  
11 If Defendants file a motion to dismiss the first amended complaint, the motion will be scheduled with  
12 a hearing date of December 18, 2012, if the Court's schedule permits.

13 3. This request is made for good cause. The issues raised in the First Amended Complaint are  
14 complex and the extension of time and proposed schedule will enable the parties to meaningfully  
15 present these issues to the Court. Furthermore, I have prearranged personal travel planned during  
16 portions of October, and have several litigation conflicts in early November 2012. This extension  
17 schedule will avoid conflicts with these obligations.

18 4. I have conferred over telephone and email with counsel for the Plaintiff regarding this  
19 extension of time. Counsel for the Plaintiff have agreed to this extension of time.

20 5. I am aware of the following previous modification of time in this case: The parties  
21 stipulated to allow Defendants additional time to respond to the Plaintiffs' Complaint.

22 6. I believe that this proposed extension of time will not impact the schedule for this case  
23 because this extension does not impact any other deadlines in this case.


24 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
25 true and correct. Executed this 12th day of October, 2012, at San Francisco, California.

26  
27 By: /s/ Erin Bernstein  
ERIN BERNSTEIN

**ORDER**

1  
2 The time for Defendants City and County of San Francisco, Dennis J. Herrera, and Board of  
3 Supervisors ("Defendants") to file a response to the First Amended Complaint shall be extended to  
4 **November 9, 2012.**

5  
6 DATED: 10/18/12

  
HON. SAUNDRA B. ARMSTRONG  
United States District Judge