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Attorneys for Plaintiff  
FIRST RESORT, INC.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FIRST RESORT, INC.,	)	Case No. CV 11-5534 SBA (KAW)
	)	
Plaintiff,	)	Magistrate Judge Kandis A. Westmore
	)	
vs.	)	<b>SECOND JOINT STATUS REPORT</b>
	)	<b>REGARDING DISCOVERY</b>
	)	<b>DISPUTE</b>
DENNIS HERRERA, in his official	)	
capacity as City Attorney of the City of San	)	
Francisco; BOARD OF SUPERVISORS	)	
OF THE CITY AND COUNTY OF SAN	)	
FRANCISCO; and THE CITY AND	)	
COUNTY OF SAN FRANCISCO,	)	
	)	
Defendants.	)	
	)	

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1 Pursuant to the Court’s January 2, January 13, and January 23, 2014 orders,  
2 Plaintiff FIRST RESORT, INC. (“First Resort”) and defendants CITY AND  
3 COUNTY OF SAN FRANCISCO, DENNIS J. HERRERA and the BOARD OF  
4 SUPERVISORS (“Defendants” and, collectively with Plaintiff, the “Parties”) submit  
5 this joint status report regarding the Parties’ discovery disputes and advise the Court  
6 as follows:

7 1. Lead counsel for Defendants, Erin Bernstein, began trial on January 21,  
8 2014 and is still in trial.

9 2. On January 17, 2014, counsel for the Parties participated in a lengthy  
10 telephone call and addressed all of the issues set forth in their cross-motions to  
11 compel. Counsel for the Parties were able to resolve most of their issues during this  
12 meeting. Counsel also diligently worked to narrow the scope of certain outstanding  
13 discovery requests.

14 3. On January 30, 2014, counsel for the Parties participated in a second  
15 lengthy telephone call and addressed all of the issues that remained outstanding after  
16 their January 17 telephone conference. Counsel had a very productive discussion,  
17 and, to date, all but approximately four issues have been resolved. Regarding those  
18 outstanding issues the Parties have diligently worked to narrow the scope of their  
19 respective requests and have proposed a number of stipulations and amended  
20 discovery responses which require input from their respective clients.

21 4. Throughout these discussions, counsel for the Parties have diligently  
22 worked with their respective clients to search for responsive documents so that they  
23 will meet the previously agreed upon February 7, 2014 document production deadline.

24 5. Counsel expect to have a final conference again on February 3 or 4, 2014  
25 to further discuss the four remaining disputed issues. Counsel will be able to advise  
26 the Court regarding what matters are outstanding for the Court to rule on by February  
27 4, 2014.

28

1 In light of the foregoing, the Parties ask that (1) the Court refrain from issuing a  
2 ruling on their cross-motions to compel until the Parties have a chance to finalize their  
3 meet and confer process; and, (2) the Court allow the Parties to file a third and final  
4 joint status report on February 4, 2014; and (3) the Court allow the City to file an  
5 amended privilege log on February 4, 2014, if any privilege assertions remain in  
6 dispute.

7 Dated: January 31, 2014

Respectfully submitted,

8 LOCKE LORD LLP

9  
10 By: /s/ Michelle C. Ferrara

11 Stephen A. Tuggy  
12 Patricia A. Musitano  
13 Michelle C. Ferrara  
14 Kelly S. Biggins

15 Attorneys for Plaintiff  
16 FIRST RESORT, INC.

17 Dated: January 31, 2014

Respectfully submitted,

18 DENNIS J. HERRERA  
19 City Attorney

20 By: /s/ Mollie Lee

(as approved on 1/31/14)

21 Erin Bernstein  
22 Mollie Lee

23 Attorneys for Defendants CITY AND  
24 COUNTY OF SAN FRANCISCO, et al.

25 PURSUANT TO THE PARTIES' JOINT REQUEST, IT IS SO ORDERED,

26 Date: February 3, 2014



27 Hon. Kandis A. Westmore  
28 United States District Court Magistrate  
Northern District of California