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 CITY AND COUNTY OF SAN FRANCISCO  
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 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 JAMES ELLIS JOHNSON,

14 Plaintiff,

15 vs.

16 UNITED STATES OF AMERICA, CITY  
 AND COUNTY OF SAN FRANCISCO,

17 Defendants.  
 18

Case No. CV 13-02405 DMR

**DEFENDANT CITY AND COUNTY OF SAN  
 FRANCISCO'S ADMINISTRATIVE MOTION  
 FOR EXTENSION OF TIME TO FILE  
 RESPONSIVE PLEADING; DECLARATION  
 OF BRADLEY A. RUSSI; AND ~~PROPOSED~~  
 ORDER**

1 Pursuant to Local Rule 6-3, Defendant City and County of San Francisco (“the City”) requests  
2 an extension of time to file a pleading responsive to Plaintiff’s Complaint. The City makes this  
3 request based on the following circumstances:

4 1. On May 28, 2013, Plaintiff filed the Complaint in this litigation. Plaintiff served the  
5 Complaint on the Mayor’s Office on May 29, 2013.

6 2. On June 4, 2013, Plaintiff completed service on the City, by serving a summons on the  
7 Mayor’s Office. A responsive pleading is therefore due on June 25, 2013.

8 3. Lead counsel of record in this case for the City is Bradley A. Russi, Esq., of the Office  
9 of the San Francisco City Attorney. Mr. Russi first learned about this litigation on June 12, 2013,  
10 when he was assigned the case.

11 4. Since being assigned the case, Mr. Russi has been busy preparing a motion for  
12 summary judgment in another matter (C-12-00045-JST) and preparing for a trial (C-11-4911-JSC).  
13 Over the next several weeks, Mr. Russi will be involved in further trial preparations, depositions, and  
14 briefing in other matters.

15 5. The City believes that Plaintiff has failed to plead sufficient facts to state a claim for  
16 relief against it. Indeed, Plaintiff appears to be complaining about the actions of employees of the  
17 Veteran’s Administration who arrested him, not about actions of the City. As a result, the City intends  
18 to file a motion to dismiss under Rule 12(b)(6) and believes that the case should be disposed of as to  
19 the City at the pleading stage. In light of counsel’s schedule, a brief extension of time is needed in  
20 order for the City to prepare the motion.

21 6. The City requests that the deadline to file a responsive pleading be extended from June  
22 25, 2013 to July 12, 2013. Plaintiff will not be prejudiced in any way by this brief extension.  
23 Assuming that Plaintiff has properly served the federal defendants, their responsive pleading is not due  
24 until sixty days after service. Fed. R. Civ. Pro. 12(a)(2)-(3). Thus, this case will not be at issue for  
25 several months, at the earliest.

26 7. The City met and conferred with Plaintiff regarding this requested extension by letter  
27 dated June 19, 2013. Plaintiff responded by letter dated June 21, 2013, refusing the City’s requested  
28 seventeen-day extension.

1 For the reasons stated above, the City requests that the deadline for the City's responsive  
2 pleading be extended to July 12, 2013.

3  
4 Dated: June 24, 2013

5 DENNIS J. HERRERA  
6 City Attorney  
7 CHERYL ADAMS  
8 Chief Trial Attorney  
9 BRADLEY A. RUSSI  
10 Deputy City Attorney

11 By: /s/ Bradley A. Russi  
12 BRADLEY A. RUSSI

13 Attorneys for Defendant  
14 CITY & COUNTY OF SAN FRANCISCO  
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**[PROPOSED] ORDER**

Based on the above motion and for good cause appearing, the Court ORDERS as follows: the motion is GRANTED. The deadline for the City and County of San Francisco to file a responsive pleading shall be July 12, 2013.



Dated: \_\_\_\_\_

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