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 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

17 CHIN-LI MOU,
 18 Plaintiff,
 19 v.
 20 CITY OF SAN JOSE, SAN JOSE PUBLIC
 LIBRARY EDUCATION PARK BRANCH,
 21 Defendants.
 22

Case Number: C07-05740 JF

**JOINT CASE MANAGEMENT
 CONFERENCE STATEMENT**

Date: June 12, 2009
 Time: 10:00 a.m.
 Courtroom: 3
 Judge: Hon. Jeremy Fogel

23 The parties hereby submit their Joint Case Management Statement.

24 **1. A BRIEF DESCRIPTION OF EVENTS UNDERLYING THIS ACTION**

25 This action alleges violation of the Federal Civil Rights Act (42 U.S.C. § 1983),
 26 arising from the suspension of Plaintiff Mou’s library privileges for a period of six months
 27 reduced to four months within the City of San Jose Library system. Plaintiff Mou believes

1 that her constitutional rights have been violated by Defendant City of San Jose in taking
2 such action in suspending her library privileges. Ms. Mou believes these constitutional
3 rights which were violated are: (1) freedom of speech; (2) unequal treatment; and (3) due
4 process.

5 Plaintiff further alleges that she has “suffered severe mental distress and was
6 injured in her health as a direct result of the action taken by Defendants.”

7 Neither parties dispute the fact that the City of San Jose Library Department had a
8 policy and procedure in place for suspensions of library privileges and available procedure
9 for a hearing to review the grounds for the suspension. Ms. Mou availed herself of the
10 hearing process and attended a Suspension Review Hearing with her attorney before the
11 Assistant Library Director for the City of San Jose Public Library.

12 Ms. Mou’s initial suspension from the San Jose Public Library was from November
13 1, 2006 to May 1, 2007. After Ms. Mou’s Appeal Hearing which was held on January 4,
14 2007 the suspension was reduced to four months which therefore resulted in a condition
15 that she could return on March 1, 2007. There were a number of conditions in which she
16 was allowed to regain her library privileges which were outlined in a correspondence of
17 January 18, 2007.

18 **2. THE PRINCIPAL FACTUAL ISSUES WHICH THE PARTIES DISPUTE**

19 Almost all the underlying facts and circumstances existing at the time for the basis
20 of Plaintiff Mou’s suspension are in dispute.

21 **3. THE PRINCIPAL LEGAL ISSUES WHICH THE PARTIES DISPUTE**

22 The first issue in dispute is whether or not there is a liberty interest within the due
23 process clause of the fourteenth amendment within Plaintiff’s ability to freely use the public
24 library when she was suspended from such privileges.

25 A second area of legal dispute would be the determination of the amount of process which
26 is due before the Defendants can act to suspend a person such as Plaintiff Mou from
27 access to the library.

1 **4. OTHER FACTUAL ISSUES WHICH REMAIN UNRESOLVED FOR THE**
2 **REASONS STATED BELOW AND HOW THE PARTIES PROPOSE TO RESOLVE**
3 **THOSE ISSUES**

4 None.

5 **5. THE PARTIES WHICH HAVE NOT BEEN SERVED AND THE REASONS**

6 None.

7 **6. THE ADDITIONAL PARTIES WHICH TO THE BELOW SPECIFIED PARTIES**
8 **INTEND TO JOIN IN THE INTENDED TIME FRAME FOR SUCH JOINDER**

9 None currently known.

10 **7. THE FOLLOWING PARTIES CONSENT TO A ASSIGNMENT OF THIS CASE TO**
11 **A U. S. MAGISTRATE JUDGE FOR JURY TRIAL**

12 Plaintiff has declined consent to assignment of this case to a United States
13 Magistrate Judge for jury trial.

14 **DISCLOSURES**

15 Concluded.

16 **DISCOVERY**

17 Discovery cut-off was on February 27, 2009.

18 **MOTIONS**

19 Defendant anticipates filing a dispositive motion no later than June 19, 2009.

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