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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Therese Arizmendi, et al.,

NO. C 08-05163 JW

Plaintiffs,

**ORDER VACATING PRELIMINARY  
PRETRIAL CONFERENCE**

v.

City of San Jose, et al.,


Defendants.

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This case is scheduled for a Preliminary Pretrial Conference on March 29, 2010. Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly submitted a Joint Case Management Statement. (hereafter, "Statement," Docket Item No. 64.) In their Statement, Defendants represent that they intend to file a Motion for Summary Judgment<sup>1</sup> on the issue of whether the officer Defendants have qualified immunity as to Plaintiffs' Section 1983 claim. (Statement at 10.) In light of the anticipated dispositive motion, the Court finds that a Preliminary Pretrial Conference would be premature at this time. Accordingly, the Court VACATES the Preliminary Pretrial Conference.

The Court will set a new Conference date, if necessary, in its order addressing the anticipated motion for summary judgment.

Dated: March 24, 2010

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

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<sup>1</sup> The parties shall take note that the Court's remaining law and motion hearing dates through the Spring are quickly filling up. Any party wishing to file a dispositive motion shall do so expeditiously to meet the Case Schedule's deadline for filing such motions.

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Andrew Vinson Stearns [astearns@boglawyers.com](mailto:astearns@boglawyers.com)  
3 Daisy M. Nishigaya [Daisy.Nishigaya@sanjoseca.gov](mailto:Daisy.Nishigaya@sanjoseca.gov)  
4 Ignascio Gallegos Camarena [igc@dimalantaclark.com](mailto:igc@dimalantaclark.com)  
5 Joseph P. DiCiuccio [cao.main@sanjoseca.gov](mailto:cao.main@sanjoseca.gov)  
6 M. Jeffery Kallis [M\\_J\\_Kallis@Kallislaw.org](mailto:M_J_Kallis@Kallislaw.org)  
7 Michael J. Dodson [cao.main@sanjoseca.gov](mailto:cao.main@sanjoseca.gov)  
8 Steven Michael Berki [sberki@loboinc.com](mailto:sberki@loboinc.com)

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**Dated: March 24, 2010**

**Richard W. Wieking, Clerk**

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**By:           /s/ JW Chambers**  
**Elizabeth Garcia**  
**Courtroom Deputy**

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