

F A X E D

CITY OF OAKLAND



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May 1, 2006

By Facsimile (510) 926-9065

Thomas E. Ho'Okano
Law Office of Thomas E. Ho'Okano
2170 Promontory Point Lane
Gold River, CA 95670

Re: *Wheeler v. City of Oakland, et al.*, Case No. C 05-00647 SBA

Dear Mr. Ho'Okano:

Following the Court's April 28, 2006 Order, all that remains in this case is a Section 1983 claim against individual defendants Ronald Abad, David Carrillo, Isagani Pugao, and David Kozicki for an alleged violation of plaintiffs' Fourth Amendment rights. We contend that there is no genuine issue of material fact as to whether these defendants violated plaintiffs' Fourth Amendment rights because there is no evidence that plaintiffs had a reasonable expectation of privacy in their driveway. The issue is thus perfectly postured for resolution on summary judgment.

The case management order set May 2, 2006 as the last day to hear dispositive motions. However, because we just received the Order on the 12(c) and 12(b)(6) motions on April 28, 2006, I would like to propose that the parties stipulate to a modification of the case management order to allow for a summary judgment hearing on the remaining issue. I propose that defendants file their opening papers by May 9, 2006; plaintiffs file their opposition papers by May 23, 2006; defendants file their reply papers by May 30, 2006; and the hearing be held on June 13, 2006, the date of the pre-trial conference. The trial date would not have to be moved.

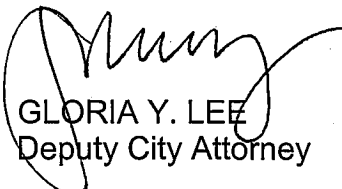
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Thomas E. Ho'Okano
May 1, 2006
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Given the time constraints, I would request a response by noon tomorrow. Otherwise, we will file a motion for modification shortly thereafter. I look forward to hearing from you.

Very truly yours,

JOHN A. RUSSO
City Attorney

By: 
GLORIA Y. LEE
Deputy City Attorney

TRANSMISSION VERIFICATION REPORT

TIME : 05/01/2006 15:34
 NAME :
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DATE, TIME	05/01 15:33
FAX NO./NAME	99269065
DURATION	00:00:45
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

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RE: Wheeler v. City of Oakland, et al.

FILE NUMBER:	23854		
NUMBER OF PAGES, INCLUDING COVER:	3	ORIGINALS FOLLOW BY MAIL:	No

MESSAGE: