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

12 **DAVID LITMON, JR.,**
 Plaintiff,
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 14 v.
 15 **COUNTY OF SANTA CLARA, et al.,**
 Defendants.
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CV-09-02158-RMW
 ORDER GRANTING
**ADMINISTRATIVE MOTION TO
 CONTINUE CASE MANAGEMENT
 CONFERENCE PENDING MOTION**
 Date: December 4, 2009
 Time: 10:30 a.m.
 Dept: 6, 4th Floor
 Judge The Honorable Ronald M. Whyte
 Action Filed: May 18, 2009

19 Moving defendant is Dr. Stephen Mayberg, the Director of the Department of Mental
 20 Health ("DMH"). A Case Management Conference is presently on calendar for December 4,
 21 2009 at 10:30 p.m. At the plaintiff's request, the Court continued the Dr. Mayberg's Motion for
 22 Summary Judgment to January 29, 2010, date after the CMC. The moving defendant believes it
 23 highly likely that the summary judgment motion will be dispositive.

24 By this motion, the moving defendant respectfully request that the Case Management
 25 Conference be continued to a date after the summary judgment motion is decided. Moving
 26 defendant believes that the dispositive motion will render the Case Management Conference
 27 moot.
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GROUNDS FOR REQUEST

As noted, the defendant's Motion for Summary Judgment has been re-calendared for late January 2009 to accommodate plaintiff. Defendant respectfully submits that the interests of judicial economy and efficiency in litigation for the parties will be best served by continuing the Case Management Conference and the scheduling of Alternative Dispute Resolution until after the Court has decided the Motion to Dismiss.

The Court has the authority to modify the case management schedule. See, Civil L.R. 16-2(d). As moving defendant believes that the Rule 56 motion will be dispositive, he respectfully requests that the dispositive motion be heard before the Case Management Conference.

CONCLUSION

For the reasons set out above, moving defendant respectfully requests that the Court continue the initial Case Management Conference from December 4, 2009 to February 19, 2010, or such other date after the Motion for Summary Judgment as may be convenient to the Court.

Dated: November 5, 2009

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of
California

/s/ Tom Blake
TOM BLAKE
Deputy Attorney General
*Attorneys for Defendant
Dr. Stephen W. Mayberg*

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XXXXXXXXXX ORDER

For good cause shown, the Court continues the initial Case Management Conference in this matter to February 12, 2010.

IT IS SO ORDERED.

Dated: November 17, 2009

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge