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2 San Francisco, CA 94102  
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3 Attorney for Petitioner  
4 WADE ROBERTSON

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6  
7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
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12 WADE ROBERTSON ) No. 06-CV-04624-JF  
13 Plaintiff, )  
14 vs. )  
15 SHIRAZ QADRI, et. al. ) **ADMINISTRATIVE MOTION**  
16 Defendants. ) **TO CONSIDER WHETHER**  
 ) **CASES SHOULD BE RELATED;**  
 ) **PROPOSED ORDER**  
 ) (Local Rule 3-12)

17 Pursuant to Local Rule 3-12, notice is hereby given that the above case may be related to  
18 a recently filed case, *Wade Robertson v. Rise Jones Pichon, Judge of the Santa Clara Superior*  
19 *Court, and the Attorney General of the State of California*, No. 10-CV-5027-JW.

20 *Robertson v. Qadri*, is a civil suit alleging a conspiracy to violate plaintiff's civil rights  
21 by defendant Qadri. The allegations involve defendant Qadri's report to Palo Alto police of  
22 alleged driving under the influence by plaintiff Robertson, leading to Robertson's arrest on April  
23 28, 2006. The case was assigned to the Hon. Jeremy Fogel. This suit was dismissed at least in  
24 part because the Court held that civil relief was barred because habeas relief was available. *See*  
25 *Heck v. Humphrev*, 512 U.S. 477 (1994). An appeal of that dismissal is before the Ninth  
26 Circuit.

27 *Robertson v. Pichon*, is a petition for writ of habeas corpus challenging the state  
28 conviction for driving under the influence from the same April 28, 2006 arrest. This case was

1 filed on November 5, 2010, and is initially assigned to Hon. James Ware.

2 The actions concern some of the same parties and some of the same events. Further,  
3 Judge Fogel’s ruling in *Robertson v. Qadri* suggests that unless the case of *Robertson v. Pichon*  
4 is related, there may be an unduly burdensome duplication of labor and expense. Thus, this  
5 Court may deem that the cases are related per Local Rule 3-12(a)(1), (2).

6 Dated: November 10, 2010

Respectfully submitted,

7 /s/

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9 MARC J. ZILVERSMIT  
10 Counsel for Petitioner  
11 Wade Robertson in  
12 *Robertson v. Pichon*, No. 10-CV-5027-JW  
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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
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10 WADE ROBERTSON

11 Plaintiff,

12 vs.

13 SHIRAZ QADRI

14 Defendants.  
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No. 06-CV-04624-JF

**[PROPOSED] ORDER RE:  
ADMINISTRATIVE MOTION  
TO CONSIDER WHETHER  
CASES ARE RELATED**

16 After due consideration, the case of *Wade Robertson v. Rise Jones Pichon, Judge of the*  
17 *Santa Clara Superior Court, and the Attorney General of the State of California*, No. 10-CV-  
18 5027-JW [is] ~~is not~~ deemed related to *Wade Robertson v. Shiraz Qadri*, No.  
19 06-CV-04624-JF.

20 The case of *Wade Robertson v. Rise Jones Pichon, Judge of the Santa Clara Superior*  
21 *Court, and the Attorney General of the State of California*, No. 10-CV-5027-JW [is] ~~is not~~  
22 ordered reassigned to the Hon. Jeremy Fogel.

23 Dated: 11/15/10  
24

  
25 JUDGE OF THE DISTRICT COURT  
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27  
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1 DECLARATION OF SERVICE BY ECF AND MAIL

2 **RE: ROBERTSON V. QADRI**

3 **No. 06-CV-04624-JF**

4 I, Marc J. Zilversmit, declare that I am over 18 years of age and not a party to the within  
5 cause; my business address is 523 Octavia St., San Francisco, CA 94102.

6 I hereby certify that on November 10, 2010, I electronically filed the foregoing  
7 ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES ARE RELATED with the  
8 Clerk of the Court for the Northern District of California by using the ECF system.

9 Participants in the case *Robertson v. Qadri*, No. 06-CV-04624-JF, who are registered  
10 ECF users will be served by the ECF system.

11 I further certify that I have served participants in the potentially related case *Wade*  
12 *Robertson v. Rise Jones Pichon, Judge of the Santa Clara Superior Court, and the Attorney*  
13 *General of the State of California*, No. 10-CV-5027-JW by mail. I have mailed the foregoing  
14 document by First-Class Mail, postage prepaid to the following non-ECF participants:

15 Office of the District Attorney  
16 70 West Hedding Street, West Wing  
17 San Jose, CA 95110

Hon. Rise Jones Pichon  
Santa Clara Superior Court  
191 N. First St.  
San Jose, CA 95113

18 Office of the Attorney General  
19 455 Golden Gate Avenue, 11<sup>th</sup> Floor  
San Francisco, CA 94102

20  
21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed on November 10, 2010 at San Francisco, California.

23 /s/

24 \_\_\_\_\_  
Marc J. Zilversmit