

1 Erica A. Maharg (Bar No. 279396)  
 2 George Torgun (Bar No. 222085)  
 3 SAN FRANCISCO BAYKEEPER  
 4 1736 Franklin St., Suite 800  
 5 Oakland, California 94612  
 6 Telephone: (510) 735-9700  
 7 Facsimile: (510) 735-9160  
 8 Email: erica@baykeeper.org  
 9 Email: george@baykeeper.org

10 Attorneys for Plaintiff  
 11 SAN FRANCISCO BAYKEEPER

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

15 SAN FRANCISCO BAYKEEPER, a non-profit  
 16 corporation,

17 Plaintiff,

18 v.

19 MISSION TRAIL WASTE SYSTEMS, INC.,

20 Defendant.

Civil No. 5:15-cv-3465

REQUEST TO CONTINUE CASE  
 MANAGEMENT CONFERENCE AND  
 ASSOCIATED DEADLINES; ORDER

(Federal Water Pollution Control Act, 33  
 U.S.C. § 1251 *et seq.*)

Magistrate Judge Nathanael M. Cousins

1 WHEREAS, on July 28, 2015, Plaintiff San Francisco Baykeeper (“Baykeeper”) filed the  
2 above-entitled action;

3 WHEREAS, Plaintiff’s deadline to serve the complaint on Defendant Mission Trail Waste  
4 Systems, Inc. (“Mission Trail”) is November 25, 2015, pursuant to Fed. R. Civ. P. 4(m);

5 WHEREAS, Plaintiff has thus far refrained from serving the complaint while Plaintiff and  
6 Mission Trail (collectively, the “Parties”) work together in good faith to reach a settlement agreement  
7 that would avoid the need for litigation;

8 WHEREAS, the Court’s Order Setting the Initial Case Management Conference and ADR  
9 Deadlines (“Scheduling Order”) set the Initial Case Management Conference in this matter for October  
10 28, 2015 at 10:00 am.

11 WHEREAS, the Scheduling Order states that if the Initial Case Management Conference is  
12 continued, the other deadlines in the Scheduling Order are continued accordingly.

13 WHEREAS, the Parties desire to continue informal negotiations in good faith, and anticipate  
14 reaching a final settlement in this action within the next eight (8) weeks;

15 WHEREAS, Plaintiff requests, upon the Court’s approval, to reschedule the Case Management  
16 Conference for December 2, 2015, at 10:00 a.m., or at such later date that is convenient for the Court,  
17 in order to give the Parties a chance to complete settlement negotiations without involving the  
18 resources of the Court;

19 WHEREFORE, Plaintiff respectfully requests the Court to approve and enter the Proposed  
20 Order below.

21 Dated: October 6, 2015

Respectfully Submitted,

22  
23  
24 /s/ Erica A. Maharg

25 \_\_\_\_\_  
26 Erica A. Maharg  
27 Attorney for Plaintiff  
28 SAN FRANCISCO BAYKEEPER

ORDER

GOOD CAUSE APPEARING,

1. The Case Management Conference shall be continued to December 2, 2015 at 10:00 am.
2. The ADR certifications and stipulations to the ADR process or notices of need for an ADR phone conference shall be filed no later than one week before the Case Management Conference.
3. The Parties' Rule 26(f) Report and Joint Case Management Statement shall be filed no later than one week before the Case Management Conference.
4. The Parties shall make initial disclosures or state objections in their Rule 26(f) Report no later than one week before the Case Management Conference.
5. The Parties must file their consent or declination to proceed before a magistrate judge no later than one week before the Case Management Conference.

IT IS SO ORDERED.

DATE: October 6, 2015

NORTHERN DISTRICT OF CALIFORNIA

Honorable Nathanael M. Cousins  
United States Magistrate Judge



