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GEORGE GASCON, and MICHAEL HENNESSEY
9

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13

14 THERESE MARIE PIZZO,
15 Plaintiff,
16 vs.

Case No. C09-4493 CW

**SAN FRANCISCO DEFENDANTS' SEPARATE
FURTHER CASE MANAGEMENT
CONFERENCE STATEMENT**

17 CITY AND COUNTY OF SAN FRANCISCO
MAYOR GAVIN NEWSOM, in both his
18 individual and official capacities; FORMER
SAN FRANCISCO POLICE DEPARTMENT
19 CHIEF OF POLICE HEATHER FONG, in
both her individual and official capacities;
20 SAN FRANCISCO POLICE DEPARTMENT
CHIEF OF POLICE GEORGE GASCON, in
21 his official capacity; SAN FRANCISCO
SHERIFF MICHAEL HENNESSEY, in both
22 his individual and official capacities; CITY
AND COUNTY OF SAN FRANCISCO; and
23 STATE OF CALIFORNIA ATTORNEY
GENERAL EDMUND G. BROWN, in his
24 official capacity,

Hearing Date: October 5, 2010
Time: 2:00 p.m.
Place: Courtroom 2, 4th Floor
Judge: Hon. Claudia Wilken

25 Defendants.
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1 Defendants City and County of San Francisco, Mayor Gavin Newsom, Police Chief George
2 Gascón, former Police Chief Heather Fong, and San Francisco County Sherriff Michael Hennessey
3 (collectively, "San Francisco Defendants") have been unsuccessful in their attempts to coordinate a
4 joint further case management statement with the other parties to this action in time to file it by the
5 filing deadline. *See* Kaiser Declaration in Support of San Francisco Defendants' Separate Further Case
6 Management Conference Statement at ¶ 2. Accordingly, they now file this separate statement with
7 apologies to the Court for any inconvenience that filing separately may cause.

8 Plaintiff Therese Marie Pizzo filed her complaint against California Attorney General Edmund
9 Brown and the San Francisco Defendants on September 23, 2010. *See* Docket Entry No. 1. On
10 December 10, 2010, pursuant to a stipulation of the parties, this Court stayed the case pending
11 decisions in several appeals now before the Ninth Circuit that the parties anticipate will decide
12 controlling questions of law. *See* Docket Entry No. 12. The Court extended the stay in its Order of
13 April 5, 2010, and continued the case management conference to July 13, 2010. *See* Docket Entry No.
14 16. On July 14, 2010, the Court dismissed the case for failure to prosecute after the parties failed to
15 attend the scheduled hearing. *See* Docket Entry No. 19.

16 On July 22, 2010, based on a further stipulation of the parties, this Court set aside its order of
17 dismissal and continued the stay. *See* Docket Entry No. 25. The Court also directed Plaintiff to advise
18 the Court when the Ninth Circuit issued final decisions in the relevant pending cases, and ordered the
19 San Francisco Defendants to apprise it in writing of the disposition of their anticipated motion to
20 consolidate this case with *Jackson v. City & County of San Francisco*, No. C09-2143 RS. Finally, the
21 Court set a further case management conference for October 5, 2010.

22 Little has changed since the Court issued that order. The San Francisco Defendants recently
23 filed their motion to consolidate before Judge Seeborg, and it is scheduled for hearing on December 9,
24 2010. *See* Kaiser Dec. ¶ 3. The Ninth Circuit has not issued final decisions in any of the cases
25 forming the basis for the stay. *Id.* Accordingly, the San Francisco Defendants request that the Court
26 leave the stay in place at least until the motion to consolidate has been heard and decided, at which

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1 point they will notify this Court of the decision. If consolidation has been denied, this Court could
2 then reconsider the stay in light of the status of the Ninth Circuit proceedings.

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4 Respectfully submitted,

5 Date: September 28, 2010

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