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7 Attorneys for Plaintiffs

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

11 ESPANOLA JACKSON, PAUL COLVIN,)
THOMAS BOYER, LARRY BARSETTI,)
12 DAVID GOLDEN, NOEMI MARGARET)
ROBINSON, NATIONAL RIFLE)
13 ASSOCIATION OF AMERICA, INC., SAN)
FRANCISCO VETERAN POLICE)
14 OFFICERS ASSOCIATION)

15 Plaintiffs,)

16 vs.)

17)
18 CITY AND COUNTY OF SAN)
FRANCISCO, THE MAYOR OF)
19 SAN FRANCISCO, AND THE CHIEF)
OF THE SAN FRANCISCO POLICE)
DEPARTMENT, in their official capacities,)
20 and DOES 1-10,)

21 Defendants.)
22)
23)
24)
25)
26)
27)
28)

CASE NO. CV-09-2143-RS
NOTICE OF NEED FOR SETTING OF
FURTHER CASE MANAGEMENT
CONFERENCE PURSUANT TO COURT'S
INSTRUCTION AT JULY 12, 2012
HEARING; UNOPPOSED MOTION FOR
FURTHER CASE MANAGEMENT
CONFERENCE; DECLARATION OF
CLINTON B. MONFORT IN SUPPORT

Fed. R. Civ. P. 16
Local Civ. R. 16-10(c)

1 Pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Civil Rule 16-10(c),
2 Plaintiffs Espanola Jackson, Paul Colvin, Thomas Boyer, Larry Barsetti, David Golden, Noemi
3 Margaret Robinson, National Rifle Association of America, Inc., San Francisco Veteran Police
4 Officers Association (“Plaintiffs”), by and through their attorneys of record, submit the following
5 unopposed motion requesting a Case Management Conference for September 20, 2012, at 10:00
6 a.m. or as soon thereafter as counsel may be heard.

7 At the hearing on Plaintiffs’ Motion for Partial Judgment on the Pleadings, the Court
8 suggested and the parties agreed to hold a further Case Management Conference after the Court
9 rendered its written order on Plaintiffs’ motion to discuss, inter alia, the setting of discovery
10 deadlines. (Tr. of Proceedings 20:6-21:15, July 12, 2012.) On August 17, 2012, the Court denied
11 Plaintiffs’ Motion for Judgment on the Pleadings in a written order, but did not set a date for the
12 Case Management Conference discussed at the hearing. (Order Den. Pls.’ Mot. J. Pldgs.1:21-24.)
13 Plaintiffs thus hereby request the Court set a date for a further Case Management Conference to
14 discuss the setting of discovery deadlines and determine appropriate pre-trial and trial dates as
15 discussed at the hearing.

16 As set forth in the accompanying Declaration of Clinton B. Monfort, the parties’ attorneys
17 have engaged in multiple telephone conferences and e-mail communications regarding discovery
18 deadlines and the appropriate for setting a further case management conference. (Monfort Decl. ¶¶
19 2-4.) Plaintiffs believe that a further Case Management Conference is necessary and appropriate in
20 light of the Court’s guidance and the parties’ agreement at the July 12 hearing. (Monfort Decl. ¶ 4.)
21 Defendants agree that a conference is needed, and they do not oppose this motion. (Monfort Decl. ¶
22 4.)

23 Plaintiffs therefore move and ask the Court to order as follows:

24 1. A Case Management Conference shall take place on September 20, 2012, at 10:00
25 a.m. in the courtroom of the Honorable Judge Richard Seeborg, located at 450 Golden Gate Ave.,
26 San Francisco, California, or as soon thereafter as is convenient for the Court.

27 2. Counsel for the parties are granted leave to appear telephonically and shall make
28 arrangements with the courtroom staff to so appear.

1 3. The parties shall submit a joint case management statement setting forth their
2 respective positions on further proceedings in the action no later than 7 days in advance of the case
3 management conference as required by Local Civil Rule 16-10(d).

4 Dated: September 5, 2012

MICHEL & ASSOCIATES, P.C.

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/s/ C. D. Michel

C. D. Michel

Attorney for Plaintiffs.

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DECLARATION OF CLINTON B. MONFORT

I, Clinton B. Monfort, declare as follows:

1. I am over the age of eighteen and not a party to this action. I am an attorney licensed to practice law before all district courts in the State of California. I am an associate attorney at the law firm Michel & Associates, P.C., attorneys of record for Plaintiffs in this action.

2. On or about August 21, 2012, Ms. Christine Van Aken, counsel of record for Defendants City and County of San Francisco, the Mayor of San Francisco, and the Chief of the San Francisco Police Department, in their official capacities (“Defendants”), contacted me via electronic mail (“e-mail”) regarding discovery deadlines in light of the Court’s order denying Plaintiffs’ Motion for Partial Judgment on the Pleadings. Ms. Van Aken stated that she would consent to a further Case Management Conference provided that Plaintiffs agreed to extend discovery deadlines and trial dates.

3. Between about August 22 and August 30, 2012, I continued to communicate with Ms. Van Aken by way of telephone conversations and e-mail to discuss appropriate discovery and trial deadlines and the need for the setting of a further case management conference.

4. On or about August 30, 2012, I sent an e-mail to Ms. Van Aken informing her of my intention to file notice with the court of the need for further case management conferences and a motion requesting setting of the same, to discuss the appropriate extension of deadlines in light of the Court’s suggestion at hearing and the parties’ agreement to hold such a conference after the issuance of the Court’s order denying Plaintiffs’ Motion for Partial Judgment on the Pleadings. On or about September 4, 2012, Ms. Van Aken responded via e-mail indicating that she believed a further case management conference was appropriate and that her clients would not oppose Plaintiffs’ motion requesting a further case management conference.

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

Executed on September 5, 2012.

/s/ Clinton B. Monfort
Clinton B. Monfort

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 ESPANOLA JACKSON, PAUL COLVIN,) CASE NO.: CV-09-2143-RS
5 THOMAS BOYER, LARRY BARSETTI,)
6 DAVID GOLDEN, NOEMI MARGARET)
7 ROBINSON, NATIONAL RIFLE) CERTIFICATE OF SERVICE
8 ASSOCIATION OF AMERICA, INC., SAN)
9 FRANCISCO VETERAN POLICE)
10 OFFICERS ASSOCIATION,)

11 Plaintiffs)

12 vs.)

13 CITY AND COUNTY OF SAN)
14 FRANCISCO, THE MAYOR OF SAN)
15 FRANCISCO, AND THE CHIEF)
16 OF THE SAN FRANCISCO POLICE)
17 DEPARTMENT, in their official capacities,)
18 and DOES 1-10,)

19 Defendants.)

20 IT IS HEREBY CERTIFIED THAT:

21 I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My
22 business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

23 I am not a party to the above-entitled action. I have caused service of

24 **NOTICE OF NEED FOR FURTHER CASE MANAGEMENT CONFERENCE PURSUANT**
25 **TO COURT'S INSTRUCTION AT JULY 12, 2012 HEARING; UNOPPOSED MOTION**
26 **REQUESTING SETTING OF CASE MANAGEMENT CONFERENCE; DECLARATION**
27 **OF CLINTON B. MONFORT IN SUPPORT**

28 on the following party by electronically filing the foregoing with the Clerk of the District Court
using its ECF System, which electronically notifies them.

Wayne Snodgrass, Deputy City Attorney
Christine Van Aken, Deputy City Attorney
Office of the City Attorney
1 Drive Carlton B. Goodlett Place
City Hall, Room 234
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct. Executed on
September 5, 2012.

/s/ C.D. Michel
C. D. Michel
Attorneys for Plaintiffs