

1 C. D. Michel - S.B.N. 144258
Glenn S. McRoberts - S.B.N. 144852
2 Clinton B. Monfort - S.B.N. 255609
Anna M. Barvir - S.B.N. 268728
3 MICHEL & ASSOCIATES, P.C.
180 E. Ocean Boulevard, Suite 200
4 Long Beach, CA 90802
Telephone: 562-216-4444
5 Facsimile: 562-216-4445
Email: cmichel@michellawyers.com
6

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,) **CASE NO. C09-2143-RS**
THOMAS BOYER, LARRY BARSETTI,)
12 DAVID GOLDEN, NOEMI MARGARET) **PLAINTIFFS' NOTICE OF WITHDRAWAL**
ROBINSON, NATIONAL RIFLE) **OF UNOPPOSED MOTION TO DISMISS**
13 ASSOCIATION OF AMERICA, INC., SAN) **PLAINTIFF PAUL COLVIN AND MOTION**
FRANCISCO VETERAN POLICE) **TO DISMISS PLAINTIFF THOMAS BOYER;**
14 OFFICERS ASSOCIATION,) **DECLARATION OF CLINTON B.**
) **MONFORT IN SUPPORT**

15 Plaintiffs)

16 vs.)

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

20 Defendants.)
21)

22
23
24
25
26
27
28

1 **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 Please take notice that, pursuant to Local Civil Rule 7-7(e), Plaintiffs Espanola Jackson,
3 Paul Colvin, Thomas Boyer, Larry Barsetti, David Golden, Noemi Margaret Robinson, National
4 Rifle Association of America, Inc., and San Francisco Veteran Police Officers Association
5 (“Plaintiffs”), by and through their attorneys, hereby withdraw without prejudice their Unopposed
6 Motion to Dismiss Plaintiff Paul Colvin and Motion to Dismiss Plaintiff Thomas Boyer (Doc. No.
7 146) filed on October 3, 2012, in the above-captioned matter.

8 Defendants City and County of San Francisco, the Mayor of San Francisco, and the Chief of
9 the San Francisco Police Department have not yet opposed the motions, and the Court has not yet
10 acted on them.

11 In light of the suspension of discovery and pre-trial deadlines at the October 4, 2012 Case
12 Management Conference, the parties agreed it would be proper to withdraw Plaintiffs’ Motions to
13 Dismiss without prejudice so that Plaintiffs may re-file them after the Court has issued an updated
14 case management plan. Monfort Decl. ¶ 2.

15 The withdrawal of Plaintiffs’ motions obviates the need for hearing on this matter at this
16 time, previously scheduled for Thursday, November 8, 2012, at 1:30 p.m.

17
18 Date: October 15, 2012

MICHEL & ASSOCIATES, P.C.

19 s/ C. D. Michel
20 C. D. Michel
21 Attorney for Plaintiffs

22
23
24
25
26
27
28

DECLARATION OF CLINTON B. MONFORT

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

5 2. On or about October 10, 2012, Christine Van Aken, counsel of record for Defendants,
6 contacted me via e-mail requesting that Plaintiffs withdraw their motions to dismiss Plaintiffs
7 Boyer and Colvin without prejudice, allowing Plaintiffs to re-file after the Court issues an updated
8 case management order. Ms. Van Aken cited the Court's removal of the hearing on Plaintiffs'
9 motions to dismiss from calendar and the chance Defendants may need to reconsider their
10 position after pending discovery issues are resolved. I responded to Ms. Van Aken via e-mail,
11 agreeing to withdraw the motions without prejudice.

12 I declare under penalty of perjury that the foregoing is true and correct. Executed on
13 October 15, 2012.

14 
15 _____
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)
15 SAN FRANCISCO, AND THE CHIEF)
16 OF THE SAN FRANCISCO POLICE)
17 DEPARTMENT, in their official capacities,)
18 and DOES 1-10,)
19 Defendants.)

15 IT IS HEREBY CERTIFIED THAT:

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

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

19 **PLAINTIFFS' NOTICE OF WITHDRAWAL OF UNOPPOSED MOTION TO DISMISS**
20 **PLAINTIFF PAUL COLVIN AND MOTION TO DISMISS PLAINTIFF THOMAS**
21 **BOYER; DECLARATION OF CLINTON B. MONFORT IN SUPPORT**

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

24 Wayne Snodgrass, Deputy City Attorney
25 Christine Van Aken, Deputy City Attorney
26 Office of the City Attorney
27 1 Drive Carlton B. Goodlett Place
28 City Hall, Room 234
San Francisco, CA 94102

26 I declare under penalty of perjury that the foregoing is true and correct. Executed on
27 October 15, 2012.

27 /s/ C. D. Michel
28 C. D. Michel
Attorney for Plaintiffs