

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>JOHN C. BEIERS, COUNTY COUNSEL, SBN 144282</b> <b>BY: DAVID A. SILBERMAN, DEPUTY, SBN 211708</b> <b>HALL OF JUSTICE AND RECORDS</b> <b>400 COUNTY CENTER, 6TH FLOOR</b> <b>REDWOOD CITY, CA 94063</b> TELEPHONE NO.: (650) 363-4749 FAX NO. (Optional): (650) 363-4034 E-MAIL ADDRESS (Optional): dsilberman@co.smcgov.org ATTORNEY FOR (Name): <b>COUNTY OF SAN MATEO</b>	FOR COURT USE ONLY  <div style="font-size: 1.5em; font-weight: bold; margin: 10px 0;">FILED</div> <div style="font-weight: bold; margin: 5px 0;">SAN MATEO COUNTY</div> <div style="margin: 5px 0;">MAY 08 2012</div> <div style="margin: 5px 0;">Clerk of the Superior Court</div> <div style="margin: 5px 0;">By <u>[Signature]</u> DEPUTY CLERK</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO STREET ADDRESS: HALL OF JUSTICE AND RECORDS MAILING ADDRESS: 400 COUNTY CENTER CITY AND ZIP CODE: REDWOOD CITY, CA 94063 BRANCH NAME:	
PLAINTIFF/PETITIONER: <b>ULYSSES S. GRANT EARLY, et al.</b> DEFENDANT/RESPONDENT: <b>COUNTY OF SAN MATEO</b>	
<b>CASE MANAGEMENT STATEMENT</b> (Check one): <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>LIMITED CASE</b> (Amount demanded is \$25,000 or less)	CASE NUMBER: <b>CIV 509185</b>
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: <b>June 8, 2012</b> Time: <b>9:00 a.m.</b> Dept.: <b>7</b> Div.: Room: Address of court (if different from the address above): <input type="checkbox"/> Notice of Intent to Appear by Telephone, by (name):	

**INSTRUCTIONS:** All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties (answer one):**
- a. ☐ This statement is submitted by party (name):
- b. ☒ This statement is submitted jointly by parties (names): **Ulysses S. Grant Early IV, et al. and County of San Mateo**
2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
- a. The complaint was filed on (date): **October 20, 2011**
- b. ☐ The cross-complaint, if any, was filed on (date):
3. **Service (to be answered by plaintiffs and cross-complainants only)**
- a. ☒ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
- b. ☐ The following parties named in the complaint or cross-complaint
- (1) ☐ have not been served (specify names and explain why not):
- (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
- (3) ☐ have had a default entered against them (specify names):
- c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):
4. **Description of case**
- a. Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):  
**Plaintiffs claim that the County Ordinance that prohibits firearms in County Parks is preempted by State law.**

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4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*

Plaintiffs claim that the County Ordinance that prohibits firearms in County Parks is preempted by State law.

☐ *(If more space is needed, check this box and attach a page designated as Attachment 4b.)*

5. **Jury or nonjury trial**

The party or parties request ☐ a jury trial ☒ a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

a. ☐ The trial has been set for (date):

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain):* Case will not be at issue, if at all, for months.

c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability):*

Parties ask that the Case Management Conference be continued to trail the Demurrer hearing; a date in late July.

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one):*

a. ☐ days *(specify number):*

b. ☒ hours (short causes) *(specify):* Likely resolved at a hearing of some kind.

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference *(specify code section):*

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation (if available).**

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption):*

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10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

	The party or parties completing this form <b>are willing to</b> participate in the following ADR processes ( <i>check all that apply</i> ):	If the party or parties completing this form in the case <b>have agreed to</b> participate in or have already completed an ADR process or processes, indicate the status of the processes ( <i>attach a copy of the parties' ADR stipulation</i> ):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other ( <i>specify</i> ):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

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**11. Insurance**

- a. ☐ Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (*explain*):

**12. Jurisdiction**

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☐ Other (*specify*):

Status:

**13. Related cases, consolidation, and coordination**

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (*name party*):

**14. Bifurcation**

☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

**15. Other motions**

☒ The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):  
Demurrer pending; if not granted, Motion for Summary Judgment on validity of ordinance.

**16. Discovery**

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):
- | <u>Party</u> | <u>Description</u>                    | <u>Date</u>       |
|--------------|---------------------------------------|-------------------|
| Both         | Depositions and written, if necessary | December 30, 2012 |

- c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):

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## 17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

## 18. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

## 19. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):


20. Total number of pages attached (*if any*): -0-

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: May 8, 2012

DAVID A. SILBERMAN

(TYPE OR PRINT NAME)

▶   
(SIGNATURE OF PARTY OR ATTORNEY)

DONALD E.J. KILMER, JR.

(TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

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- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

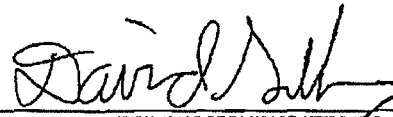
20. Total number of pages attached (if any): -0-

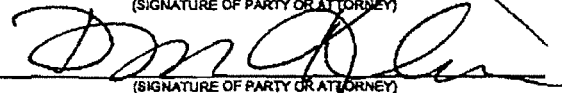
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Date: May 8, 2012

DAVID A. SILBERMAN  
(TYPE OR PRINT NAME)

DONALD E.J. KILMER, JR.  
(TYPE OR PRINT NAME)

▶   
(SIGNATURE OF PARTY OR ATTORNEY)

▶   
(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.

1 **PROOF OF SERVICE**

2 I do hereby declare that I am a citizen of the United States employed in the County of San  
3 Mateo, over 18 years old and that my business address is 400 County Center, Redwood City, California.

4 I am not a party to the within action.

5 On May 9, 2012, I served the following document(s):


6 **JOINT CASE MANAGEMENT STATEMENT**

7 on all other parties to this action by placing a true copy of said document(s) in a sealed envelope in the  
8 following manner:

9 ☒ (BY U.S. MAIL) by placing a true copy of said document(s) in a sealed envelope(s) addressed as  
10 shown below for collection and mailing at Redwood City, California following our ordinary  
11 business practices. I am readily familiar with this office's practice for collecting and processing  
12 correspondence for mailing. On the same day that correspondence is placed for collection and  
13 mailing, it is deposited in the ordinary course of business with the United States Postal Service in a  
14 sealed envelope with postage fully prepaid.

15 ☐ (BY PERSONAL SERVICE) I caused such envelope(s) to be hand-delivered to the addressee(s)  
16 shown below. A proof of service signed by the authorized courier will be filed forthwith.

17 ☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the  
18 foregoing is true and correct.

19 

20 ANNABELLE GAISER

21 **Early et al. v. County of San Mateo, et al. – Case No. CIV 509185**

22 **NAME AND ADDRESS OF EACH PERSON TO WHOM SERVICE WAS MADE**

23 Donald E.J. Kilmer, Jr.  
24 LAW OFFICES OF DONALD KILMER  
25 1645 Willow Street, Suite 150  
26 San Jose, CA 95125

27 *Attorneys for Plaintiffs*