

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIVIL MINUTES

Date: November 10, 2004

JUDGE: Phyllis J. Hamilton

FILED
2004 NOV 10 PM 6:55
RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST OF CA

Case No: C-04-2567(ADR)PJH

Case Name: ROBERT-JOHN FOTI v. OFFICER McHUGH, et al.

Attorney(s) for Plaintiff: Robert-John Foti & Kenneth Augustine

Attorney(s) for Defendant: Tracie Brown

Deputy Clerk: Lurline Moriyama

Court Reporter: Leo Mankiewicz



PROCEEDINGS

Defendants Motion to Dismiss--HELD; An Amended Complaint was received by the court just this morning. The court has not had an opportunity to review the Amended Complaint. Mr. Foti inquired into why he was not afforded an Immediate Emergency Meeting as he requested on the face of his Complaint. The court will be treating Mr. Foti's Request as requesting Injunctive Relief with the following briefing schedule: 11/24 - Opposition, 12/1/04 - Reply; matter will be deemed submitted on the papers. There will be no hearing.

Defendants may file a Motion to Dismiss the 1st Amended Complaint by 11/24/04: Opposition - 12/8/04, Reply - 12/15/04. Matter will be deemed submitted on the briefing. There will be no hearing.

The Case Management Conference---vacated; and will be reset by the court.

REFERRALS:

Case referred to ADR for to be completed in days.

Case referred to Magistrate Judge for SETTLEMENT CONFERENCE by/during, or as soon thereafter as is convenient for the judge.

PRETRIAL SCHEDULE:

Discovery Cutoff:

Expert Disclosure:

Expert Discovery Cutoff:

Motions heard by:

Pretrial Conference: at 2:30 P.M.

Jury Trial: at 8:30 A.M. (days)

Order to be prepared by: PI Def Court

c: ADR, File

Case # C 04 2567 PJH
Declaration of Mailing

FILED

NOV 09 2004

I, Robert John Foti, state I am over the age of seventeen and that on this date, Nov. 8, 2004, I served the plaintiff in the case and WIEKING RICHARD U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

First Amended Complaint document 041104AA

BY PLACING A TRUE COPY THEREOF INTO AN ENVELOPE BEARING PREPAID POSTAGE, BY VERIFYING THAT EACH SUCH ENVELOPE BORE ONE OF THE ADDRESSES OF EACH PARTY NAMED BELOW, BY SEALING AND BY DEPOSITING EACH SUCH ENVELOPE INTO THE UNITED STATES' MAIL AT: San Rafael, Marin County, California republic, AND MAILING VIA CERTIFIED MATTER delivery contract.

John Ashcroft
U.S. Department of Justice
Office of Attorney General
Washington D.C. 20530
First Class mail

United States Attorney
450 Golden Gate Avenue
San Francisco, California 94102
First Class mail



THERE IS DELIVERY SERVICE OF THE UNITED STATES' MAIL AT EACH OF THE PLACES SO ADDRESSED, OR THERE IS REGULAR COMMUNICATIONS BY MAIL BETWEEN THE PLACE OF MAILING AND EACH OF THE PLACES SO ADDRESSED.

I DO HEREBY AVER THAT THE FOREGOING IS TRUE AND CORRECT UNDER THE PENALTY OF BEARING FALSE WITNESS UNDER THE LAWS OF THE UNITED STATES OF AMERICA.

EXECUTED ON Nov. 8, 2004, AT San Rafael, California republic.

L.S. Robert John Foti
DECLARANT