

CITY AND COUNTY OF SAN FRANCISCO

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The Honorable Richard Seeborg
United States District Court
450 Golden Gate Avenue
Court Room 3, 17th Floor
San Francisco, CA 94102

Re: Jackson v. City and County of San Francisco; N.D. Cal. No. C09-2143 RS

Dear Judge Seeborg:

I write to object to Plaintiffs' improper, post-hearing filing. While denominated a mere "notice," Plaintiffs' papers appear intended to argue a point. That is unauthorized, unfair and unprofessional. The City hopes that the Court will not countenance such tactics and asks that the "notice" be stricken.

In the event, however, that the Court considers the filing, the City would like to make the following brief response:

1) Consolidation does not depend on a prior order to relate and may be granted even if the Court has declined to relate the same cases. *Investors Research Co. v. U.S. Dist. Ct.*, 877 F.2d 777, 777 (9th Cir. 1989).

2) Plaintiffs are estopped from arguing that consolidation is not a sufficiently important case management concern to merit a stay. When it came to the other case at issue, *Pizzo v. Newsom*, Plaintiffs explained to Judge Hamilton that the need to treat the two cases together required a stay:

Conducting these cases before different Judges would create an unduly burdensome duplication of labor and expense and a risk of conflicting results. These cases should be deemed related, and possibly consolidated. *Pizzo* should be stayed.

Notice of Related Cases, Docket Entry No. 24.

Very truly yours,

DENNIS J. HERRERA
City Attorney

/s/ Sherri Sokeland Kaiser

Sherri Kaiser
Deputy City Attorney