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17 In Pro Per

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21 KEVIN M. HALL, an individual,)	No.: C 10-03799 RS
)	
22 Plaintiff,)	<u>RULE 26(F) REPORT</u>
)	
23 vs.)	
)	
24 CARLOS A. GARCIA, in his official capacity as)	
25 Superintendent of the San Francisco Unified)	
26 School District,)	
)	
27 Defendant.)	
28)	

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the parties to this action submit this report setting forth a discovery plan. The parties have met and conferred in compliance with Rule 26(f).

1. Initial Disclosures

The parties will serve their initial disclosures on the day this report is due. They have further agreed not to produce actual documents at this time but rather to identify any relevant documents by categories. The parties have agreed to a stay of all discovery until the Court issues a ruling on defendant's motion for judgment on the pleadings, which is scheduled for hearing on January 6, 2011. The parties have further agreed that if the Court denies the motion for judgment on the pleadings, they will produce documents identified in the initial disclosures 30 days after the Court issues its order.

2. Subjects and Timing of Discovery

The parties have not taken any discovery to date and have agreed to stay all discovery until defendant's motion for judgment on the pleadings has been ruled on by the Court. The parties anticipate that if the motion for judgment on the pleadings is denied, there will be only limited discovery taken.

Plaintiff has indicated he will serve discovery requests regarding the Superintendent's process for handling requests under Penal Code section 626.9, his understanding of what purpose the school zone serves and his response to gun violence in or around the schools, and documents related to these topics. Defendants anticipate taking discovery regarding plaintiff's purported need for an exemption under Penal Code section 626.9.

The parties agree to the following discovery deadlines, assuming the Court rules on the motion for judgment on the pleadings by January 31, 2011. The parties reserve their right to propose alternative dates if resolution of the motion takes longer than that.

- a. Discovery may be conducted February 1 through May 31, 2011;
- b. Discovery cut-off will be June 1, 2011;
- c. Deadline to designate any expert witnesses: June 16, 2011;
- d. Dispositive motions to be filed by September 1, 2011.

1 The parties believe that because discovery will be limited, there is no need to conduct it
2 in phases.

3 **3. Disclosures or discovery of electronically stored information**

4 SFUSD has taken steps to preserve any electronic information that relates to the
5 plaintiff's request, and that is identified in defendant's initial disclosures.

6 **4. Claims of privilege**

7 The parties agree that if either party inadvertently produces otherwise privileged
8 material, the other party will not claim that the production itself waived the privilege.

9 **5. Limitations of discovery**

10 As set forth above, the parties have agreed to stay discovery until the Court rules on
11 defendant's motion for judgment on the pleadings. The parties do not anticipate the need for further
12 restrictions of discovery at this time.

13 **6. Any other orders**

14 The parties have not agreed to any further orders with respect to discovery.

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16 Dated: December 30, 2010

Respectfully submitted,

17 REMCHO, JOHANSEN & PURCELL, LLP

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19 By: /s/
20 Robin B. Johansen

21 Attorneys for Defendant Carlos A. Garcia

22
23 Dated: December 30, 2010

24
25 By: /s/
26 Kevin M. Hall

27 In Pro Per

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