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10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 ROBERT JACOBSEN, an individual,) No. C06-1905-JSW
14)
Plaintiff,)
15 v.) **ADMINISTRATIVE MOTION**
16) **REGARDING SCHEDULING**
MATTHEW KATZER, an individual, and) **PLAINTIFF'S MOTION FOR LEAVE TO**
17 KAMIND ASSOCIATES, INC., an Oregon) **FILE SECOND AMENDED**
corporation dba KAM Industries,) **COMPLAINT, AND SCHEDULING**
18) **SETTLEMENT CONFERENCE AND**
Defendants.) **CMC DATES**
19) Courtroom: 2, 17th Floor
Judge: Hon. Jeffrey S. White
20)

21 Plaintiff files this administrative motion to re-set the hearing date for his recently filed
22 motion, and to re-set the deadline for the settlement conference this Court ordered in September
23 2007, and the date of the next case management conference.

24 Plaintiff has filed a Motion for Leave to File Second Amended Complaint, and in the
25 Alternative, Motion for Final Judgment under Rule 54(b) as to his previously dismissed
26 cybersquatting cause of action. Plaintiff noticed the motion for Friday, January 4, 2008. At the
27 request of defense counsel, Declaration of Victoria K. Hall, Exhibit A at 2, and Exhibit C at 1,
28

1 plaintiff sought to move this hearing to Friday, January 11, 2008. However, while preparing to re-
2 notice the hearing, Plaintiff's counsel noted that for January 11, 2008, the court's calendar has
3 closed for cases whose digits end in odd numbers. The next available date is January 25, 2008.
4 Plaintiff seeks the Court's permission to re-set the hearing date from January 4, 2008 to January 11,
5 2008 so as to accommodate defense counsel's schedule and to hear the case as soon as possible in
6 the new year. After hearing that the court's calendar had closed for setting the hearing for January
7 11, 2008, defense counsel informed counsel for Plaintiff that he opposed Plaintiff's motion to re-set
8 the hearing date to the 11th because the date is closed. Declaration of Victoria K. Hall, Exhibit B
9 at 1.

10 Plaintiff seeks to change the deadline to hold the settlement conference, which the Court set
11 for December 14, 2007. The settlement conference date is tentatively scheduled for November 29
12 or 30. However, if this Court has not accepted a Second Amended Complaint and Defendants have
13 not filed an Answer, Plaintiff believes that Judge Laporte will not be able to evaluate the merits of
14 the parties' positions for the settlement conference. Because the issue of which proposed Second
15 Amended Complaint may be resolved by mid-January 2008, Plaintiff seeks to change the deadline
16 to hold the settlement conference to Friday, February 15, 2008. In changing this deadline, the
17 Court will give time to Defendants to answer the Second Amended Complaint, and give Judge
18 Laporte enough time to evaluate the merits of the parties' positions. Defendants oppose this part of
19 the administrative motion.

20 Finally, Plaintiff seeks to change the date of the next case management conference. It is
21 currently set for Friday, January 18, 2008. However, without having an Answer to a Second
22 Amended Complaint, Plaintiff expects there will be little to report at this conference. He believes
23 that it would be more efficient to move the case management conference until about one month
24 after the deadline to complete the settlement conference, or Friday, March 14, 2008. Defendants
25 oppose this part of the administrative motion.

26 If the Court denies Plaintiff's request to move the date for the hearing on his motion,
27 Plaintiff requests that the Court (1) set the hearing for the next available date, (2) change the

1 deadline for holding the settlement conference to 4 weeks later after the hearing date, and (3)
2 change the date of the next case management conference to 8 weeks after the hearing date.

3 Finally, this administrative motion can be made moot for the following reason: Defense
4 counsel consented to the filing of either version of the proposed Second Amended Complaint.
5 Declaration of Victoria K. Hall, Exhibit D, first paragraph. This leaves two questions open: (1)
6 whether the Court should permit cybersquatting in the Second Amended Complaint (and a motion
7 for leave to file a motion for reconsideration), and (2) if not, whether this Court will enter final
8 judgment under Rule 54(b). If the Court permits cybersquatting, then the second question is moot.
9 Since no response is necessary for a motion for leave to file a motion for reconsideration, Civil
10 L.R. 7-9(d), the Court can address the first question – whether to grant a motion for leave to file
11 motion for reconsideration – now, if it chooses. If it chooses not to grant the motion for leave to
12 file a motion for reconsideration, then the Court can accept Version B of the Second Amended
13 Complaint, which Defendants did not oppose the filing of, Declaration of Victoria K. Hall, Exhibit
14 D first paragraph, and Plaintiff can be satisfied that he has made the record for appeal. The parties
15 can then move forward with the litigation, and keep the settlement conference date and the CMC
16 date as they are currently set. The only remaining question will be the motion to enter final
17 judgment under Rule 54(b), which the Court, if it chooses, can address after receiving Defendants’
18 opposition on November 19, 2007, or can wait until it hears from both parties at a January 2008
19 hearing.

20 Plaintiff has provided two proposed orders – one which reflects the dates that he has
21 proposed, and another one with blanks for dates the Court sets, should the Court set different dates
22 than Plaintiff proposes.

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Respectfully submitted,

DATED: November 2, 2007

By _____ /s/
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