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16 Matthew Katzer and Kamind Associates, Inc.

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

20 ROBERT JACOBSEN, an individual,
21
22 Plaintiff,
23
24 vs.
25 MATTHEW KATZER, an individual, and
26 KAMIND ASSOCIATES, INC., an Oregon
corporation dba KAM Industries,
Defendants.

) Case Number C06-1905-JSW
)
) Place: Ct. 2, Floor 17
)
) Hon. Jeffrey S. White
)

) **DEFENDANTS MATTHEW**
) **KATZER AND KAMIND**
) **ASSOCIATES, INC.’S**
) **MEMORANDUM IN OPPOSITION**
) **TO PLAINTIFF’S**
) **ADMINISTRATIVE MOTION TO**
) **STAY BRIEFING ON**
) **DEFENDANTS’ MOTION TO**
) **DISMISS**

27 Defendants Matthew Katzer and Kamind Associates, Inc. (Katzer) hereby respond to
28 Plaintiff’s Administrative Motion to Stay the Briefing Schedule on Defendants’ Motion to
29 Dismiss.

30 Case Number C 06 1905 JSW
31 Defendants’ Memorandum in Opposition to Plaintiff’s Administrative Motion to Stay Briefing

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2
3 **ARGUMENT**

4 As discussed in Defendants' Memorandum in Opposition to Plaintiff's Motion for Early
5 Discovery, Plaintiff seeks discovery on information that is not relevant to Defendants' pending
6 Motion to Dismiss Plaintiff's Counts 1, 2, and 3 as moot and is not reasonably calculated to lead
7 to the discovery of admissible evidence. Therefore, Plaintiff's motion for early discovery should
8 be denied, Plaintiff is not entitled to early discovery and a stay in the briefing schedule is not
9 warranted or needed.

10 For clarification, Defendants never agreed that the parties would "not make any filings,
11 unless required by Court order" as represented by Plaintiff in his administrative motion.
12 Administrative Motion at 2. Defendants also never agreed to abate the existing briefing
13 schedule. Plaintiff's "cooling off" period is self-imposed. Defendants did agree to file a
14 stipulated motion with the Court requesting a continuance of the motion hearing on March 14
15 until April 11 in order to conserve judicial resources. Defendants drafted this stipulated motion,
16 however it was unnecessary to file this motion as this Court reset the March 14 hearing *sua*
17 *sponte* [Dkt. 204].

18 **CONCLUSION**

19 Based on the above, Defendants respectfully request that this Court deny Plaintiff's
20 motion to stay the briefing schedule on Defendants' Motion to Dismiss.

21 Dated February 27, 2008.

22 Respectfully submitted,

23 /s/ Scott Jerger

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CERTIFICATE OF SERVICE

I certify that on February 27, 2008, I served Matthew Katzer’s and KAM’s MEMORANDUM IN OPPOSITION TO PLAINTIFF’S ADMINISTRATIVE MOTION TO STAY THE BRIEFING SCHEDULE ON DEFENDANTS’ MOTION TO DISMISS on the following parties through their attorneys via the Court’s ECF filing system:

Victoria K. Hall
Attorney for Robert Jacobsen
Law Office of Victoria K. Hall
3 Bethesda Metro Suite 700
Bethesda, MD 20814

_____/s/ Scott Jerger_____
R. Scott Jerger (*pro hac vice*)
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