

1 DENNIS J. HERRERA, State Bar #139669  
 City Attorney  
 2 WAYNE SNODGRASS, State Bar #148137  
 SHERRI SOKELAND KAISER, State Bar #197986  
 3 Deputy City Attorneys  
 1 Dr. Carlton B. Goodlett Place  
 4 City Hall, Room 234  
 San Francisco, California 94102-4682  
 5 Telephone: (415) 554-4691  
 Facsimile: (415) 554-4747  
 6 E-Mail: sherri.kaiser@sfgov.org

7 Attorneys for Defendants  
 CITY AND COUNTY OF SAN FRANCISCO,  
 8 MAYOR GAVIN NEWSOM and POLICE CHIEF  
 GEORGE GASCÓN  
 9

10  
 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13

14 ESPANOLA JACKSON, PAUL COLVIN,  
 THOMAS BOYER, LARRY BARSETTI,  
 15 DAVID GOLDEN, NOEMI MARGARET  
 ROBINSON, NATIONAL RIFLE  
 16 ASSOCIATION OF AMERICA, INC. SAN  
 FRANCISCO VETERAN POLICE  
 17 OFFICERS ASSOCIATION,

18 Plaintiffs,

19 vs.

20 CITY AND COUNTY OF SAN  
 FRANCISCO, MAYOR GAVIN NEWSOM,  
 21 in his official capacity; POLICE CHIEF  
 GEORGE GASCÓN, in his official capacity,  
 22 and Does 1-10,

23 Defendants.  
 24  
 25  
 26  
 27  
 28

Case No. C09-2143 RS

**DECLARATION OF SHERRI SOKELAND  
 KAISER IN SUPPORT OF MOTION TO  
 CONSOLIDATE**

Hearing Date: December 9, 2010  
 Time: 1:30 p.m.  
 Place: Judge Richard Seeborg  
 United States District Court  
 450 Golden Gate Avenue, Court  
 Room 3, 17th Floor  
 San Francisco, California

Trial Date: None set

1 I, Sherri Sokeland Kaiser, declare as follows:

2 1. I am a Deputy City Attorney for the City and County of San Francisco. I am the  
3 attorney of record for all defendants in this case and in *Pizzo v. Newsom*, Case No. 09-4493 CW,  
4 currently pending before Judge Wilken. I make the following statements of my own personal  
5 knowledge unless otherwise indicated. If called to testify to the truth of these statements, I would and  
6 could testify competently thereto.

7 2. Until very recently, Plaintiffs have taken the position that *Pizzo v. Newsom* should be  
8 consolidated with this case. In their Notice of Related Cases (Docket No. 24), Plaintiffs argued that,  
9 "[c]onducting these cases before different Judges would create an unduly burdensome duplication of  
10 labor and expense and a risk of conflicting results. These cases should be deemed related, and  
11 possibly consolidated." *Id.* at 3. And, as recently as the briefing and hearing on their motion to lift the  
12 stay, Plaintiffs represented to the Court that they did not oppose consolidation. E.g., Docket No. 33 at  
13 5.

14 3. After this Court issued its Order Granting Motion to Lift Stay on September 13, 2010  
15 (Docket No. 37), I have repeatedly attempted to meet and confer with opposing counsel, C.D. Michel,  
16 and his associates in regard to stipulating to consolidation.

17 4. Attached hereto as Exhibit A is a true and correct copy of the email I sent to Mr. Michel  
18 and counsel for the parties in *Pizzo* at 10:31 a.m. on 9/13/10 asking them to stipulate to consolidation.

19 5. Attached hereto as Exhibit B is a true and correct copy of the email response that Mr.  
20 Michel sent me at 4:49 on 9/13/10 indicating, without explanation, that Plaintiffs suddenly oppose  
21 consolidation.

22 6. Attached hereto as Exhibit C is an email I set to Mr. Michel and his associates at 12:13  
23 p.m. on 9/16/10. In it, I point out that refusing to stipulate to consolidation will slow progress in the  
24 case. I again asked them to stipulate to consolidation, but they have not agreed to do so.

25 7. On September 21, 2010, I emailed the parties about scheduling a hearing date on the  
26 motion I intend to file to consolidate *Pizzo* with *Jackson*. The combined responses of counsel indicate  
27 that the first available hearing date for the Court and the parties is December 9, 2010.

28

1 I hereby declare under penalty of perjury that the foregoing statements are true and correct.

2 Executed this 27th day of September 2010 at San Francisco, California.

3 s/*Sherri Sokeland Kaiser*

4 SHERRI SOKELAND KAISER

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28