

1 THOMAS R. HOGAN, Esq. (#42048)  
Hogan Holmes & Usoz LLP  
2 333 W. Santa Clara Street, Ste. 800  
San Jose, CA 95113  
3 Telephone Number: (408) 292-7600  
Facsimile Number: (408) 292-7611  
4 E-Mail Address: trh@hoganlaw.com

5 Attorney for Plaintiff, CHIN-LI MOU

6  
7 RICHARD DOYLE, City Attorney (#88625)  
NORA FRIMANN, Chief Trial Attorney (#93249)  
ROBERT BURCHFIEL, Sr. Deputy City Attorney (#112318)  
8 Office of the City Attorney  
200 East Santa Clara Street  
9 San José, California 95113-1905  
Telephone Number: (408) 535-1900  
10 Facsimile Number: (408) 998-3131  
E-Mail Address: cao.main@sanjoseca.gov

11 Attorneys for Defendant, CITY OF SAN JOSE  
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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION

17 CHIN-LI MOU,

18 Plaintiff,

19 v.

20 CITY OF SAN JOSE, SAN JOSE PUBLIC  
LIBRARY EDUCATION PARK BRANCH,

21 Defendants.  
22

Case Number: C07-05740 JF

**JOINT CASE MANAGEMENT  
CONFERENCE STATEMENT**

Date: June 12, 2009

Time: 10:00 a.m.

Courtroom: 3

Judge: Hon. Jeremy Fogel

23 The parties hereby submit their Joint Case Management Statement.

24 **1. A BRIEF DESCRIPTION OF EVENTS UNDERLYING THIS ACTION**

25 This action alleges violation of the Federal Civil Rights Act (42 U.S.C. § 1983),  
26 arising from the suspension of Plaintiff Mou's library privileges for a period of six months  
27 reduced to four months within the City of San Jose Library system. Plaintiff Mou believes  
28

1 that her constitutional rights have been violated by Defendant City of San Jose in taking  
2 such action in suspending her library privileges. Ms. Mou believes these constitutional  
3 rights which were violated are: (1) freedom of speech; (2) unequal treatment; and (3) due  
4 process.

5 Plaintiff further alleges that she has “suffered severe mental distress and was  
6 injured in her health as a direct result of the action taken by Defendants.”

7 Neither parties dispute the fact that the City of San Jose Library Department had a  
8 policy and procedure in place for suspensions of library privileges and available procedure  
9 for a hearing to review the grounds for the suspension. Ms. Mou availed herself of the  
10 hearing process and attended a Suspension Review Hearing with her attorney before the  
11 Assistant Library Director for the City of San Jose Public Library.

12 Ms. Mou’s initial suspension from the San Jose Public Library was from November  
13 1, 2006 to May 1, 2007. After Ms. Mou’s Appeal Hearing which was held on January 4,  
14 2007 the suspension was reduced to four months which therefore resulted in a condition  
15 that she could return on March 1, 2007. There were a number of conditions in which she  
16 was allowed to regain her library privileges which were outlined in a correspondence of  
17 January 18, 2007.

18 **2. THE PRINCIPAL FACTUAL ISSUES WHICH THE PARTIES DISPUTE**

19 Almost all the underlying facts and circumstances existing at the time for the basis  
20 of Plaintiff Mou’s suspension are in dispute.

21 **3. THE PRINCIPAL LEGAL ISSUES WHICH THE PARTIES DISPUTE**

22 The first issue in dispute is whether or not there is a liberty interest within the due  
23 process clause of the fourteenth amendment within Plaintiff’s ability to freely use the public  
24 library when she was suspended from such privileges.

25 A second area of legal dispute would be the determination of the amount of process which  
26 is due before the Defendants can act to suspend a person such as Plaintiff Mou from  
27 access to the library.

1 **4. OTHER FACTUAL ISSUES WHICH REMAIN UNRESOLVED FOR THE**  
2 **REASONS STATED BELOW AND HOW THE PARTIES PROPOSE TO RESOLVE**  
3 **THOSE ISSUES**

4 None.

5 **5. THE PARTIES WHICH HAVE NOT BEEN SERVED AND THE REASONS**

6 None.

7 **6. THE ADDITIONAL PARTIES WHICH TO THE BELOW SPECIFIED PARTIES**  
8 **INTEND TO JOIN IN THE INTENDED TIME FRAME FOR SUCH JOINDER**

9 None currently known.

10 **7. THE FOLLOWING PARTIES CONSENT TO A ASSIGNMENT OF THIS CASE TO**  
11 **A U. S. MAGISTRATE JUDGE FOR JURY TRIAL**

12 Plaintiff has declined consent to assignment of this case to a United States  
13 Magistrate Judge for jury trial.

14 **DISCLOSURES**

15 Concluded.

16 **DISCOVERY**

17 Discovery cut-off was on February 27, 2009.

18 **MOTIONS**

19 Defendant anticipates filing a dispositive motion no later than June 19, 2009.

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