## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

	)	
EMMANUEL ANDRO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 15-13030-NMG
	)	
TOWN OF BROOKLINE, et al.,	)	
	)	
Defendants.	)	
	)	

## DEFENDANT NORFOLK COUNTY'S SECOND MOTION TO CONTINUE INITIAL SCHEDULING CONFERENCE

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Defendant, Norfolk County hereby moves this Honorable Court to continue the initial scheduling conference, currently scheduled for November 29, 2016. As grounds for this motion, defendant states, by and through undersigned counsel, the following:

- 1. The Court has scheduled the initial scheduling conference in this case for November 29, 2016.
- 2. Defendant, Norfolk County has filed a motion for judgment on the pleadings in this case today.
- 3. Any opposition to the defendant's motion would be due on or about November 28, 2016.
- 4. Pursuant to the Court's Electronic Order dated November 18, 2016 [Docket # 100] requiring undersigned counsel to make a good faith effort to comply with Local Rule 7.1 (a)(2) undersigned counsel states the following:

Undersigned counsel called the number plaintiff used on his Civil Category Sheet (617) 596-1614 on four occasions since the Court's order. Specifically, undersigned counsel called the plaintiff's number on November 21, 2016 at 2:28 pm; on November 21, 2016 at 5:01 pm; on November 22, 2016 at 5:22 pm and

on November 23, 2016 at 6:13 pm. On three occasions I received the following message: "Person is unavailable, please try your call again later." On one occasion I received the message: "Cannot connect your call at this time."

5. Undersigned counsel submits that the above attempts to reach the plaintiff

satisfies the good faith requirement in Local Rule 7.1.

6. As a result, defendant renews its request to dispense with the Local Rule 7.1

requirement for the filing of this motion and makes this second request to continue the initial

scheduling conference to a time after the Court rules on defendant's motion for a judgment on

the pleading.

7. In the event the Court grants defendant's motion, no initial scheduling

conference will be necessary and limited judicial resources will be not be wasted.

8. Finally, neither party will be prejudiced by the allowance of this motion.

WHEREFORE, Norfolk County defendant respectfully requests that this Honorable

Court grants this Motion and continues the initial scheduling conference scheduled for

November 29, 2016 to a date after the Court's ruling on defendant's the motion for judgment on

the pleadings.

Respectfully submitted, NORFOLK COUNTY By its attorneys, LAWSON & WEITZEN, LLP

/s/ Scott P. Lopez Scott P. Lopez (BBO No. 549556)

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Dated: November 23, 2016

## CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF and paper copies will be sent to those indicated as non-registered participants by first class mail on November 25, 2016.

/s/ Scott P. Lopez Scott P. Lopez