

REFERENCE: L.R. 1.9(c)(2)

(Rule Section )

Scott M. McNair

Phoenix, Arizona

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MAR 11 2004

CLERK U S DISTRICT COURT  
DISTRICT OF ARIZONA  
BY \_\_\_\_\_ DEPUTY

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

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SCOTT M. MCNAIR  
Plaintiff,  
  
V.  
  
County of Maricopa, et. at.,  
Defendants,

CASE No. CV03-2119-PHX -ROS

**MOTION TO RESET  
SCHEDULING CONFERENCE**

(Assigned to the Hon. Roslyn O. Silver)

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**PLEA FOR LENIENCY AND WAIVER OF FORMAL REQUIREMENTS**

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In that the Plaintiff (McNair) is not an attorney and has had no legal training, he does graciously request leniency from the Court for the form and content of this pleading. He does also request the Court to waive any formal requirements or procedural rules which would prevent the Court from giving this pleading due consideration, in order to preserve a just determination of this matter.

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**MEMORANDUM AND PROCEDURAL HISTORY**

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Due to scheduling and *resource issues*, counsel for the defendants and the plaintiff have been unable to perform the Case Management Meeting as specified by the Court. The Plaintiff therefore requests the court to reset the Scheduling Conference to a later date, when both parties are able to devote the necessary time and resources to adequately address the issues.

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This case is based upon claims for actions against McNair during and after his employ with Maricopa County, which ended in June of 2002. Following such, he began pursuing administrative remedies through Maricopa County (County) and the State of Arizona Personnel Board (Board).

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McNair also filed a complaint with the local office of the United States Equal Employment

1 Opportunity Commission (EEOC). On August 3 2003 McNair received a “right to sue” letter from the  
2 EEOC. In order to preserve his the right to pursue his claim, he was forced by statute to file this action in  
3 U.S. District Court within ninety days of receiving the EEOC’s “right to sue” letter.

4 Since December of 2002 through now, the defendants and McNair have been involved in ongoing  
5 administrative proceedings.

6 On January 13 2004, this Court issued an Order Setting Scheduling Conference for March 19 2004.  
7 This order instructed both parties, to conduct a Case Management Meeting at least twenty-one days prior  
8 to March 19 2004.

9 On February 2 2004, McNair mailed a letter to Daniel Brenden (Brenden) Counsel for the defendants  
10 attempting to initiate a Case Management Meeting (see attached). The letter was unanswered.

11 On February 18 2004, proceedings in the administrative matter were held in the Superior Court of  
12 Arizona between the Defendants and McNair.

13 On February 25 2004, McNair sent a second correspondence to Brenden concerning the need to  
14 schedule a Case Management Meeting (see attached). Brenden responded in writing on March 2 2004  
15 (see attached). Due to the timing of the correspondences, the Case Management Meeting between the  
16 defendants and plaintiff were unable to meeting the courts twenty-one day pre-conference deadline.

17 The outcome of the February 18 2004 administrative proceedings in the Superior Court of Arizona  
18 required McNair (a non-attorney) to immediately begin research and preparation of pleadings due in that  
19 matter. McNair’s abilities and resources were so taxed by this, that his pleadings in that matter were not  
20 filed until March 10 2004.

21 As the Court should easily discern, there is clearly a time/resource conflict between the proceedings  
22 in this court and the related administrative proceedings currently in progress in the Superior Court of  
23 Arizona. Since the activities and outcome of the administrative/Superior Court proceedings will weigh  
24 heavily upon the claims and nature of the proceedings of this court, it would seem prudent not to impose  
25 upon or tax the resources of this court until those matters are concluded.

26 It is with that in mind, that McNair requests the court to reset the March 19 2004 Scheduling  
27 Conference, pending the outcome of a Motion to Stay proceedings to be filed by McNair prior to that  
28 date.

1 RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of MARCH 2004.

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3 By: \_\_\_\_\_

4 Scott M. McNair, Plaintiff Pro Per

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6 FILED and MAILED this 11<sup>th</sup> day of MARCH 2004..

7 ORIGINAL FILED with:

8 Clerk of the Court  
9 United States District Court  
10 District of Arizona  
11 Sandra Day O'Connor U.S. Courthouse  
12 401 W. Washington Street, Suite 130  
13 Phoenix, AZ 85003-2118

14 COPY of the foregoing MAILED to:

15 Office of the Maricopa County Attorney  
16 Attn: Dan Brenden  
17 222 North Central Avenue, Suite 1100  
18 Phoenix, Arizona 85004  
19 (Counsel for Defendants: Maricopa County, Medlin, Peterson, & Ramsey)

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