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23 CITY OF PACIFICA, PACIFICA PLANNING COMMISSION,
24 PACIFICA CITY COUNCIL

25 UNITED STATES DISTRICT COURT
26 NORTHERN DISTRICT OF CALIFORNIA

19 NORTH PACIFICA LLC,
20 Plaintiff,

21 v.

22 CITY OF PACIFICA, PACIFICA PLANNING
23 COMMISSION, PACIFICA CITY COUNCIL,
24 and DOES 1-10, inclusive,
25 Defendants.

Case No.: CV 01-04823 EMC

**STIPULATION REGARDING RETURN
OF CASH DEPOSIT ; ORDER**

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1 1. On or about May 4, 2006, acting pursuant to Rule 62 of the Rules of Civil Procedure, the
2 District Court issued its order requiring that the City of Pacifica ("City") post a bond or cash
3 deposit in the amount of \$783,505.56 as security for payment of the judgment in the above-
4 captioned litigation against the City.

5 2. On June 19, 2006, as ordered, the City deposited the sum of \$783,505.56 with the Court
6 as security for payment of the judgment (the "Security Deposit").

7 3. On May 13, 2008, the Ninth Circuit Court of Appeal issued its opinion and judgment on
8 appeal ordering the District Court to reverse the judgment against the City and enter judgment in
9 the City's favor.

10 4. In response to the Ninth Circuit decision, the District Court, on August 12, 2008, entered
11 judgment in the City's favor.

12 5. In light of the reversal of the judgment and entry of judgment in the City's favor, the
13 parties, through their respective attorneys hereby, stipulate that the Court may order the Security
14 Deposit and interest accrued thereon released to the City of Pacifica.

15 DATED: September 25, 2008

GOLDFARB & LIPMAN LLP

17 By: 

18 LEE C. ROSENTHAL
19 Attorneys for Defendants
20 CITY OF PACIFICA, PACIFICA
21 PLANNING COMMISSION, PACIFICA
22 CITY COUNCIL

21 DATED: September 29, 2008

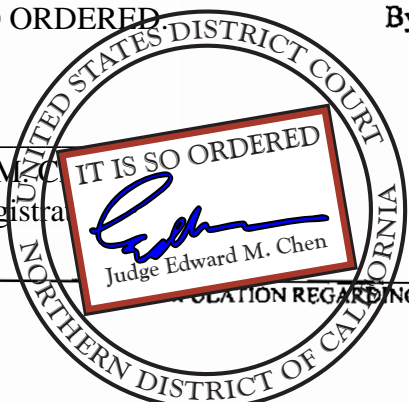
WARSHAW & POPE

23 By: 

24 JACQUELYNN C. POPE
25 Attorneys for Plaintiff
26 NORTH PACIFICA LLC

23 IT IS SO ORDERED

24 Edward M. Chen
25 U.S. Magistra
26



REGULATION REGARDING RETURN OF CASH DEPOSIT

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