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 10 City of Pacifica

11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

| | | |
|------------------------------|---|--------------------------------|
| 14 NORTH PACIFICA LLC, |) | Case No. C 03 4108 SI |
| |) | |
| 15 Plaintiff, |) | STIPULATION TO CONTINUE |
| |) | FURTHER CASE MANAGEMENT |
| 16 v. |) | CONFERENCE |
| |) | |
| 17 CITY OF PACIFICA, et al., |) | Date: November 10, 2008 |
| |) | Time: 4:00 p.m. |
| 18 Defendants. |) | |
| |) | |
| |) | Honorable Susan Illston |

21 **BACKGROUND FACTS**

22 1. The within case has been stayed by the Court pending a final decision in another
 23 federal case, North Pacifica v. City of Pacifica, C01-4823 EMC, which was appealed to the Ninth
 24 Circuit Court of Appeals;

25 2. On May 13, 2008 the Ninth Circuit published it's opinion affirming the district court's
 26 dismissal of NP's substantive due process claim and reversing the order holding the City liable for an
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1 equal protection violation. The damages, attorneys' fees and costs awards were vacated. The matter
2 was remanded for entry of judgment in favor of the City.

3 3. On June 3, 2008, NP filed a Petition for Rehearing.

4 4. On June 27, 2008, the Court denied NP's petition for panel rehearing and for
5 rehearing en banc. NP had until September 25, 2008 to file a petition for writ of certiorari in the
6 United States Supreme Court.

7 5. On August 12, 2008, the United States District court filed a Judgment in a Civil Case.

8 6. On August 21, 2008 a Bill of Costs was filed by the City with the United States
9 District Court requesting costs in the amount of \$52,623.16.

10 7. On September 29, 2008, NP signed a Stipulation Regarding Return of Cash Deposit
11 and wrote a letter stating that it would not file a petition for writ of certiorari in the U.S. Supreme
12 Court. On October 20, 2008, the Clerk of the USDCND declared that costs are taxed in the amount
13 of \$52,623.16 and included in the judgment.

14 8. On October 31, 2008, the Court ordered that a Further Case Management Conference be
15 scheduled for November 10, 2008. The court also ordered that a Joint Case Management
16 Conference Statement be filed by November 5, 2008.

17 9. The parties are currently involved in settlement discussions regarding this matter as
18 well as all outstanding actions filed by North Pacifica against the City of Pacifica. Therefore, the
19 parties have stipulated as follows:

20 **STIPULATION**

21 The parties hereto, by and through their respective attorneys hereby, stipulate that the further
22 Case Management Conference originally set for November 10, 2008 shall be continued until
23 December 12, 2008 at 2:30 p.m.

24 Dated: November 4, 2008.

McDONOUGH HOLLAND & ALLEN PC

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27 By: _____/s/
Michelle Marchetta Kenyon, Attorneys for
28 Defendants, City of Pacifica, et al.

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WARSHAW & POPE

Dated: November 4, 2008.

/s/
JAQUELYNN POPE, Attorney for
Plaintiff, North Pacifica

IT IS ORDERED:



Dated: _____

Hon. Susan Illston, Judge