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Attorneys for Plaintiff, North Pacifica LLC

6 UNITED STATES DISTRICT COURT  
 7 NORTHERN DISTRICT OF CALIFORNIA

9	NORTH PACIFICA LLC,	)	Case No.: C 03 4108
		)	
10	Plaintiff,	)	STIPULATION TO CONTINUE FURTHER
		)	CASE MANAGEMENT CONFERENCE
11	vs.	)	
		)	Date: December 22, 2008
12	CITY OF PACIFICA, PACIFICA	)	Time: 3:00 p.m.
	PLANNING COMMISSION, PACIFICA	)	Courtroom: 10
13	CITY COUNCIL, JAMES VREELAND, as an	)	Honorable Susan Illston, Judge
	individual, PETER DEJARNATT, as an	)	
14	individual, and DOES 1-10, inclusive,	)	
		)	
15	Defendants.	)	
		)	

17 BACKGROUND FACTS

- 18 1. The within case was stayed by the Court pending a final decision in another  
 19 federal case, North Pacifica v. City of Pacifica, C 01-4823 EMC, which was appealed to  
 20 the Ninth Circuit Court of Appeals;
- 21 2. On May 13, 2008 the Ninth Circuit Court of Appeals opinion in that case  
 22 was filed.
- 23 3. On June 3, 2008, North Pacifica filed a Petition for Rehearing.
- 24 4. On June 27, 2008, the Court denied the Petition.
- 25 5. On August 12, 2008, the District Court filed the judgment in that case.
6. On October 31, 2008, this Court ordered that a Further Case Management  
 Conference be scheduled for November 19, 2008.

1           7.     The parties herein began settlement discussions regarding this matter as  
2 well as all outstanding disputes between the parties, and as a result, on November 4,  
3 2008, the parties entered into a stipulation to continue the Further Status Conference  
4 herein until December 12, 2008 at 2:30 p.m.

5           8.     On or about November 5, 2008, this Court entered an Order continuing the  
6 Status Conference to December 12, 2008 under the terms of the Stipulation.

7           9.     On or about December 3, 2008, the parties entered into a second stipulation  
8 for a brief continuance of the December 12, 2008 date to December 22, 2008 in order  
9 continue settlement talks and because of a conflict with a December 1, 2008 trial date  
10 involving plaintiff's counsel. The Court entered the Order continuing the Case  
11 Management Conference to December 22, 2008 at 3:00 p.m.

12           10.    Settlement discussions have continued between the parties but additional  
13 time is required due to the fact that the proposed settlement requires coordination  
14 between the City of Pacifica and the California Coastal Commission. Joel Jacobs, the  
15 deputy attorney general who represents the California Coastal Commission in matters  
16 pertaining to North Pacifica's project was out of town for the entire week of December 8,  
17 2008 and was not available by telephone or email. Further, it is anticipated that Mr.  
18 Jacobs will require some time to obtain confirmation as to the California Coastal  
19 Commission's position.

20           11.    Additionally, on December 15, 2008, plaintiff's counsel had follow-up  
21 surgery on her foot which limits her mobility. It is not certain at this point that she would  
22 be able to make the appearance in San Francisco for the December 22, 2008 case  
23 management conference if it were not continued for the settlement talks.

24           12.    Due to the holidays, the City of Pacifica City Council will not be meeting  
25 again until after January 11, 2009.

          Therefore the parties have stipulated as follows:

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STIPULATION

The parties hereto, by and through their respective attorneys hereby stipulate that the Further Case Management Conference set for December 22, 2008 shall be continued until Friday, January 30, 2009 at 3:00 p.m., or such other date and time as the Court may order. In the event that the matter is settled in the meantime, the parties will immediately inform the Court.

Dated: December 17, 2008

\_\_\_\_\_/s/\_\_\_\_\_  
JAQUELYNN POPE  
Attorney for North Pacifica

MCDONOUGH, HOLLAND & ALLEN

Dated: December 17, 2008

By: \_\_\_\_\_/s/\_\_\_\_\_  
Attorneys for Defendants, City of Pacifica et al.

IT IS SO ORDERED:

Dated:

  
\_\_\_\_\_  
Hon. Susan Illston, Judge

NO FURTHER CONTINUANCE WILL BE GRANTED