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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MILLSMOUNT HOMEOWNERS  
ASSOCIATION,

Plaintiff,

v.

CITY OF OAKLAND, et al.,

Defendants.

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No. C-06-3955 MMC

**ORDER DENYING DEFENDANTS'  
REQUEST TO VACATE HEARING**

The Court is in receipt of plaintiff's "Motion for Order Approving Consent Decree," filed October 28, 2008, and defendants' joinder in said motion, filed December 1, 2008. In their joinder, defendants request that the Court vacate the December 5, 2008 hearing on the motion. As the Court has questions it wishes to pose to the parties concerning the settlement, and because defendants, in said joinder, unilaterally proposed findings in addition to the findings that were jointly proposed by the parties and incorporated in the document memorializing their stipulation for settlement, the Court finds a hearing would be beneficial.

Accordingly, defendants' request to vacate the December 5, 2008 hearing is hereby DENIED.

**IT IS SO ORDERED.**

Dated: December 3, 2008

  
MAXINE M. CHESNEY  
United States District Judge