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9 Attorneys for Plaintiff
 10 MILLSMONT HOMEOWNERS
 11 ASSOCIATION

12 John A. Russo (State Bar No. 129729)
 13 City Attorney
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 15 Deputy City Attorney
 16 OAKLAND CITY ATTORNEY
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 20 Facsimile: (510) 238-6500
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22 Attorneys for Defendant
 23 CITY OF OAKLAND

24 Christopher Locke (State Bar No. 101704)
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 26 235 Montgomery Street, 17th Floor
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 Email: clocke@fbm.com
 Attorneys for Defendant
 DESILVA GATES CONSTRUCTION, L.P.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

MILLSMONT HOMEOWNERS
 ASSOCIATION,
 Plaintiff,
 vs.
 CITY OF OAKLAND and DESILVA
 GATES CONSTRUCTION, L.P.,
 Defendants.

Case No. C 06 03955 MMC

**STIPULATION REGARDING
 EXECUTION OF CONSENT DECREE;
 ORDER THEREON**

Courtroom: 7, 19th Floor
 Judge: Hon. Maxine M. Chesney

WHEREAS, on December 5, 2008, the Court, the Honorable Maxine M. Chesney
 presiding, granted plaintiff Millsmont Homeowners Association’s (“MHA’s”) Motion for Order
 Approving Proposed Consent Decree, and entered judgment on the Consent Decree;

WHEREAS, the signatures on behalf of defendants the City of Oakland (“City”) and

1 DeSilva Gates Construction, L.P. (“DeSilva”) were not dated on the Consent Decree filed with
2 the Court; and

3 WHEREAS, the Court’s entry of the Consent Decree was subject to counsel for the parties
4 filing a stipulation on or before December 12, 2008, confirming the dates on which the Consent
5 Decree was executed on behalf of the City and DeSilva.

6 NOW, THEREFORE, by and through their undersigned counsel, MHA, the City and
7 DeSilva hereby stipulate and agree as follows:

8 1. Counsel for the City has confirmed that the Consent Decree was executed on
9 behalf of the City by Dan Lindheim, Interim City Administrator, on or before September 2, 2008;

10 2. Counsel for DeSilva has confirmed that the Consent Decree was executed on
11 behalf of DeSilva by Ernest O. Lampkin, Vice President and CFO, on August 21, 2008; and

12 3. The Consent Decree shall be deemed executed on behalf of the City and DeSilva,
13 respectively, on the dates referenced in paragraphs 1 and 2 above.

14 SO STIPULATED:

15 DATED: December 10, 2008

NATURAL HERITAGE INSTITUTE

17 By: /s/ Richard Roos Collins
Richard Roos-Collins

18 Attorneys for Plaintiff
19 MILLSMONT HOMEOWNERS ASSOCIATION

20 DATED: December 10, 2008

OAKLAND CITY ATTORNEY

21 By: /s/ William Simmons
William Simmons

22 Attorneys for Defendant
23 CITY OF OAKLAND

24 DATED: December 10, 2008

FARELLA BRAUN & MARTEL LLP

25 By: /s/ Christopher Locke
26 Christopher Locke

27 Attorneys for Defendant
28 DESILVA GATES CONSTRUCTION, L.P.

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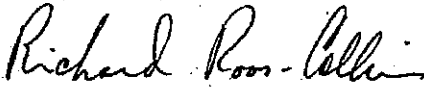
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Richard Roos-Collins

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Attorneys for Plaintiff
MILLSMONT HOMEOWNERS ASSOCIATION

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OAKLAND CITY ATTORNEY

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William Simmons

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Attorneys for Defendant
CITY OF OAKLAND

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Christopher Locke

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Dated: December 12, 2008