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 CITY OF RICHMOND and
 12 RICHMOND REDEVELOPMENT AGENCY

13
 14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN FRANCISCO/OAKLAND DIVISION**
 17

18 TOLL BROS., INC., a Pennsylvania)
 19 corporation,)
 20 Plaintiff,)
 21 v.)
 22 CITY OF RICHMOND, a California Charter)
 City; RICHMOND REDEVELOPMENT)
 23 AGENCY, a public body, corporate and)
 politic, and DOES 1 through 20, inclusive,)
 24 Defendants.)
 25 _____)

Case No. CV 08 3682 SI
**STIPULATION CONTINUING
 INITIAL CASE MANAGEMENT
 CONFERENCE AND
 [PROPOSED] ORDER**

1 Pursuant to Civil Local Rules 6-1(b), 7-12, and 16-2, the parties hereby stipulate
2 to continue, and request the Court order the continuance, of the Initial Case
3 Management Conference (“CMC”) and related deadlines. The CMC was recently set
4 for November 7, 2008. If the Court approves the proposed stipulation, the CMC would
5 be held on January 9¹⁶, 2009.

6 The reason for this request is that Defendants the City of Richmond and the
7 Richmond Redevelopment Agency (collectively, “City”) intend to file a motion to
8 dismiss pursuant to Federal Rule of Civil Procedure 12(b). The City intends to file this
9 motion on or before October 27, 2008. Pursuant to Local Rule 7-2 and this Court’s
10 standing order, the earliest the City’s Motion could be heard is December 5, 2008.

11 The Court’s rulings on the City's motion may affect the scope of the claims and
12 defenses in this case. Accordingly, to avoid potentially unnecessary expenditures of
13 time and effort by the parties and the Court, and because it may be premature, the parties
14 request that the Court enter the attached proposed order continuing the CMC until
15 January 9, 2009.

16 The only previous extension in this case was the parties’ stipulation to extend the
17 time for the City to file its initial responsive pleading, from October 6, 2008 until
18 October 27, 2008. The City requested this extension to allow time for its outside
19 litigation counsel to review the operative complaint, familiarize themselves with the
20 case, and prepare a responsive pleading.

21 The first listed signatory below attests that all other signatories to this stipulation
22 have concurred in its filing.

23 Dated: October 22, 2008

SHUTE, MIHALY & WEINBERGER LLP

24 By: /s/ Robert S. Perlmutter
ROBERT S. PERLMUTTER

25 Attorneys for Defendants CITY OF RICHMOND
26 and RICHMOND REDEVELOPMENT AGENCY

27 Dated: October 22, 2008

MORGAN MILLER BLAIR

28 By: /s/ Steven N. Holland
STEVEN N. HOLLAND

Attorneys for Plaintiff TOLL BROS.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October __, 2008



HONORABLE SUSAN ILLSTON

[P:\Richmond\TOL\rsp003 stipulation continuing initial cmc.wpd]

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