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 18 ASSOCIATION, FOSTER, et al.

**E-FILED**

16 **UNITED STATES DISTRICT COURT**  
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18 PARK VILLAGE APARTMENTS  
 19 TENANTS ASSOCIATION, WILLIAM  
 20 FOSTER, SHIRLEY SMITH, ANAHID  
 21 ISSAHAKIAN, PATRICIA JOHNSON,  
 22 MARTIN KOCH, LAWRENCE LEE,  
 23 FOSTER REUBEN, MARIA LILLIAN  
 24 SANCHEZ, ALISON WRIGHT and  
 25 CORNELIUS WEEKLEY,

Case No. C-09-4780 EDL

**STIPULATION TO MODIFY  
 TRIAL PREPARATION  
 SCHEDULE AND TRIAL;  
~~PROPOSED~~ ORDER**

Plaintiffs,

v.

26 MORTIMER HOWARD TRUST,  
 27 MORTIMER R. HOWARD,

Defendants.

1 Pursuant to Federal Rule of Civil Procedure 16(b)(4), Plaintiffs, PARK VILLAGE  
2 APARTMENT TENANTS ASSOCIATION, et al. (Plaintiffs) and Defendants, MORTIMER  
3 HOWARD TRUST and MORTIMER HOWARD (Defendants), in the above-entitled action, by and  
4 through respective counsel, hereby request that the Parties' Stipulation to Modify Trial Preparation  
5 Schedule and Trial and the Court Order dated June 11, 2012 (Document #96) be modified to  
6 accommodate the ongoing settlement discussions between the parties. The current Order establishes  
7 the following schedule:

8 Non-expert discovery cut-off:	August 14, 2012
9 Initial expert disclosure deadline:	September 28, 2012
10 Rebuttal expert disclosure:	October 12, 2012
11 Expert discovery cut-off:	October 31, 2012
12 Dispositive motion filing deadline:	August 28, 2012
13 Hearing of dispositive motions:	October 2, 2012
14 Pre-trial conference:	December 18, 2012 at 2:00 p.m.
15 Trial:	January 14, 2013 at 8:30 a.m.

16 A Settlement Conference is currently scheduled for August 7, 2012 at 10:30 a.m. with  
17 Magistrate Judge Beeler. Four continuances of the Settlement Conference have been granted by the  
18 Court in recognition of the parties continuing progress toward a negotiated settlement. In an effort  
19 to continue the discussions and build on the progress already made, the parties are also requesting in  
20 a separately filed request that the currently scheduled settlement conference be continued.

21 As part of the productive settlement negotiations to date, Defendants have propounded  
22 discovery on Plaintiffs with the goal of resolving some factual issues and with the hope of bringing  
23 final resolution to the case. In order to continue the substantial progress made to date, the parties  
24 propose the following modification of the trial preparation and trial schedule:

25 Non-expert discovery cut-off:	September 7, 2012
26 Initial expert disclosure deadline:	October 12, 2012
27 Rebuttal expert disclosure:	October 26, 2012
28 Expert discovery cut-off:	November 9, 2012

1 Dispositive motion filing deadline: October 9, 2012  
2 Hearing of dispositive motions: November 13, 2012  
3 Pre-trial conference: January 22, 2013, 2:00 p.m. ~~TBD by Court's schedule~~  
4 Trial: February 11, 2013, 8:30 a.m. ~~TBD by Court's schedule~~

5  
6 RESPECTFULLY SUBMITTED,

7 BAY AREA LEGAL AID  
8 Lisa S. Greif  
9 Naomi Young  
10 Robert Capistrano

11 NATIONAL HOUSING LAW PROJECT  
12 James R. Grow  
13 Kent Qian

14 Dated: August 1, 2012

15 /s/ Lisa S. Greif

16 \_\_\_\_\_  
17 Lisa S. Greif  
18 Attorneys for Plaintiffs

19 SWIHART AND ASSOCIATES  
20 Thomas M. Swihart

21 Dated: August 1, 2012

22 /s/ Thomas M. Swihart

23 \_\_\_\_\_  
24 Thomas M. Swihart  
25 Attorney for Defendants

26 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
27 "conformed" signature (/s/) within this efiled document.

28 Dated: August 1, 2012

By: /s/ Lisa S. Greif

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LISA S. GREIF  
Attorney for Plaintiffs

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**ORDER**

Good cause appearing therefore, IT IS SO ORDERED.

DATED: August 1, 2012

