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 22 ASSOCIATION, FOSTER, et al.

**E-FILED**

23 **UNITED STATES DISTRICT COURT**  
 24 **NORTHERN DISTRICT OF CALIFORNIA**

25 PARK VILLAGE APARTMENTS  
 26 TENANTS ASSOCIATION, WILLIAM  
 27 FOSTER, SHIRLEY SMITH, ANAHID  
 28 ISSAHAKIAN, PATRICIA JOHNSON,  
 MARTIN KOCH, LAWRENCE LEE,  
 FOSTER REUBEN, MARIA LILLIAN  
 SANCHEZ, ALISON WRIGHT and  
 CORNELIUS WEEKLEY,

Case No. C-09-4780 EDL

**JOINT REQUEST TO CONTINUE  
 SETTLEMENT CONFERENCE AND  
 [PROPOSED] ORDER**

Plaintiffs,

v.

MORTIMER HOWARD TRUST,  
 MORTIMER R. HOWARD,

Defendants.

1 Plaintiffs, PARK VILLAGE APARTMENT TENANTS ASSOCIATION, et al. (Plaintiffs)  
2 and Defendants, MORTIMER HOWARD TRUST and MORTIMER HOWARD (Defendants), in  
3 the above-entitled action, by and through respective counsel, hereby request that the settlement  
4 conference with Magistrate Judge Beeler, be continued to a date to be determined by the Court's  
5 availability. In an effort to assist the Court and allow sufficient time to come to a final resolution  
6 on the remaining issues in the case, the parties would prefer to have the settlement conference reset  
7 to a date in August 2012, if possible.

8 The reasons for this continuance request include:

- 9
- 10 1. The parties are currently engaged in settlement discussions and significant progress  
11 has been made toward a final stipulated agreement to make the preliminary injunction upheld by  
12 the Ninth Circuit on February 24, 2011 permanent.
  - 13 2. This agreement will be a resolution of all issues and will include a dismissal of the  
14 case.
  - 15 3. The parties agree that only a few negotiation points remain and feel it would be more  
16 productive at this time to continue settlement negotiations between themselves with the goal of a  
17 final resolution.

18 Having reviewed the Judge Beeler's calendar for available dates, the parties agree that the  
19 following dates are acceptable to them:  
20

21 Monday, August 6, 2012

22 Tuesday, August 7, 2012

23 Thursday August 9, 2012  
24

25 Additionally, Defendants also request that the deadline for filing the answer also be  
26 extended to the day before the reset settlement conference date.

27  
28 RESPECTFULLY SUBMITTED,

BAY AREA LEGAL AID  
Lisa S. Greif

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Naomi Young  
Robert Capistrano

NATIONAL HOUSING LAW PROJECT  
James R. Grow  
Kent Qian

Dated: June 8, 2012

/s/ Lisa S. Greif  
Lisa S. Greif  
Attorneys for Plaintiffs

SWIHART AND ASSOCIATES  
Thomas Swihart

Dated: June 8, 2012

/s/ Thomas M. Swihart  
Thomas M. Swihart  
Attorneys for Defendants

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

Dated: June 8, 2012

By: /s/ Lisa S. Greif  
LISA S. GREIF  
Attorneys for Plaintiffs

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**ORDER**

The Court having read and considered the Parties' request to continue the settlement conference and good cause appearing,

IT IS ORDERED that the request is granted.

The settlement conference will be reschedule to August 7, 2012 at 10:30 a.m. and

Defendants' answer will be due on August 6, 2012.

The Settlement Conference Order issued on January 24, 2012, ECF No. 84 remains in affect.

DATED: June 18, 2012



UNITED STATES DISTRICT JUDGE  
MAGISTRATE