

BRANCART & BRANCART
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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

FAIR HOUSING OF MARIN, a
 California not for profit corporation,

Plaintiff,

v.

ROBERT SCOTT THOMAS, as
 Trustee of the Thomas Family
 Trust - Exemption Trust, and the
 Thomas Family Trust - Survivor's
 Trust; and JEAN PAUL JURDO,

Defendants.

Case No. C 10-04856 EMC

~~[PROPOSED]~~ CONSENT DECREE
 AND FINAL ORDER PURSUANT TO
 CASE SETTLEMENT

This action was brought by plaintiff alleging that defendants violated the Fair Housing Act, 42 U.S.C. section 3601 et seq. and related state laws by discriminating against families with children on the basis of familial status in connection with the ownership and operation of the apartment building located at 1893 Lincoln Avenue in San Rafael, California ("the Lincoln Apartments").

Plaintiff and defendants have agreed that in order to avoid protracted and costly litigation, the controversy should be resolved without trial or adjudication on the merits, and therefore have consented to the entry of this decree and order. By entering into this consent decree and order ("order"), defendants make no admission of liability or wrongdoing in connection with the allegations and claims made by plaintiff.

It is hereby ordered, adjudged, and decreed that:

PROPOSED CONSENT DECREE AND FINAL ORDER PURSUANT TO CASE SETTLEMENT;
 CASE NO. C 10-04856 EMC

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MONETARY TERMS

1. Defendant Robert Scott Thomas shall make a monetary payment in the amount of \$20,000 to plaintiff in the form of a check made payable to the Attorney Client Trust Account of Brancart and Brancart. This payment shall resolve all of plaintiff's claims for damages and attorneys' fees and costs against Defendant Thomas and Defendant Jurdo. This payment shall be made no later than 7 days after entry of this order.

RELEASE TERMS

2. Plaintiff and defendants shall execute mutual waivers and releases indicating that this order constitutes a full and final settlement of any and all claims that they have related to the subject matter of this lawsuit. Those mutual waivers and releases shall include a waiver of all known and unknown claims under California Civil Code section 1542. In light Fair Housing of Marin's ongoing contractual obligations to monitor fair housing violations in Marin County, the release shall reserve Fair Housing of Marin's right to assert claims for injuries or occurrences that arise after the date that the release is signed.

3. Following the execution of the mutual waivers and releases and the receipt of the payment specified in paragraph 1, plaintiff and defendants shall stipulate to a dismissal of this action, subject to the terms of this order.

EQUITABLE TERMS

4. Defendants, their employees, and their agents shall comply with the following terms at each residential rental premises that defendant Robert Scott Thomas owns or operates:

a. Defendants shall abide by all federal and state fair housing laws in connection with the operation of all residential rental properties, including revision of their numerical occupancy standard to comply with the 2+1 standard;

b. Each defendants shall attend, and each defendant shall pay for attending an annual fair housing training session conducted by Fair Housing of Marin at a mutually

1 convenient time and location, within 60 days of the date of this order, to be attended by
2 Mr. Thomas, Mr. Jurdo, and a representative of the property management company
3 hired by Mr. Thomas;

4 c. Mr. Thomas, and any agent or representative of his who has contact with
5 tenants or prospective tenants at Mr. Thomas' residential rental properties, must attend
6 the training at the same time as Mr. Thomas.

7 d. Mr. Thomas, or his authorized agent, shall post a HUD or DFEH fair housing
8 poster in a conspicuous location at each and every residential rental property that he
9 owns or manages;

10 e. Mr. Thomas, or his authorized agent, shall distribute a HUD or DFEH fair
11 housing brochure to all current residents and prospective residents at each and every
12 residential rental property that he owns or manages;

13 f. Defendants shall cease and desist from using any language in advertisements
14 and vacancy listings referring to household size, familial status or age, and shall include
15 a fair housing logo or tagline such as "Fair Housing Provider" or words to that effect;

16 g. Each defendant shall send a letter to Fair Housing of Marin once per year
17 certifying that each defendant has complied with the terms of the consent decree in the
18 previous year.

19 **DURATION AND ENFORCEMENT**

20 5. This order shall be in effect for a period of five years from the date of entry
21 and the court shall retain jurisdiction for the purposes of enforcement. This order will
22 terminate at the end of the five-year period.

23 6. The parties shall attempt in good faith to work out any disputes that arise

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1 under the terms of this order. Only after good faith attempts have been exhausted will
2 the parties request the assistance of the court in resolving such disputes.

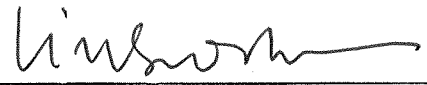
3 Ordered this ____ day of _____, 2011.

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Honorable Edward M. Chen
United States Magistrate Judge

Approved as to content and form:

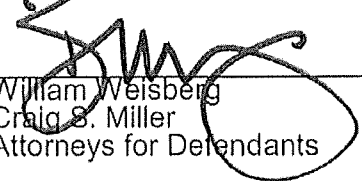
BRANCART & BRANCART



Liza Cristol-Deman
Attorneys for Plaintiff

Dated: 3.3.11

WEISBERG & MILLER



William Weisberg
Craig S. Miller
Attorneys for Defendants

Dated: 3.3.11

See attached

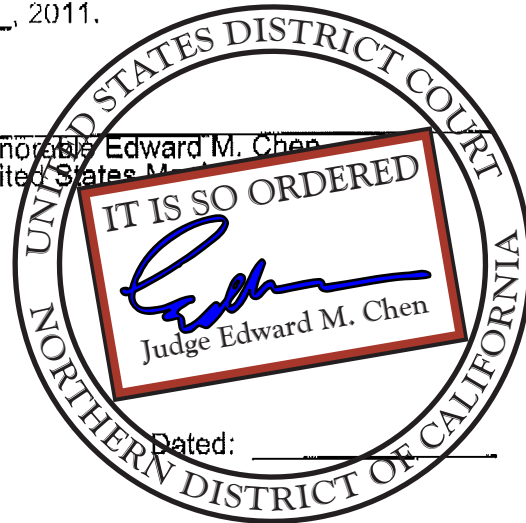
Jean Paul Jurdo
Defendant, In pro per

Dated: _____

1 under the terms of this order. Only after good faith attempts have been exhausted will
2 the parties request the assistance of the court in resolving such disputes.

3 Ordered this 4th day of March, 2011.

Honorable Edward M. Chen
United States District Court



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8 Approved as to content and form:

9 BRANCART & BRANCART

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11 Liza Cristol-Deman
12 Attorneys for Plaintiff

13 WEISBERG & MILLER

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15 William Weisberg
16 Craig S. Miller
17 Attorneys for Defendants

18 Jean Paul Jurdo
19 Defendant, in pro per

Dated: _____

Dated: _____

Dated: MAR 02 - 11