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16 Attorneys for Plaintiffs Jacquelyn Hall,
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18 **IN THE UNITED STATES DISTRICT COURT**
 19 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

20 JACQUELYN HALL, ARIANA MARTINEZ,
 21 KARLA FERNANDEZ and CHAVON
 22 WHITE, for themselves and all others
 23 similarly situated,

24 **Plaintiffs,**

25 vs.

26 HOUSING AUTHORITY OF THE COUNTY
 27 OF MARIN, and DOES 1 through 100,
 28 INCLUSIVE,

Defendants.

Case No.: C 12-04922 RS

STIPULATION RE FILING OF SECOND
 AMENDED COMPLAINT

Judge: Honorable Richard Seeborg

Date Action Filed: September 20, 2012

Trial Date: Not set

1 Plaintiffs have provided Defendant with copies of their proposed Second Amended
2 Complaint in sufficient time for Defendant to analyze the same and determine that it is willing to
3 answer, rather than exercise its right to move to dismiss or strike. Both parties are desirous of
4 having the currently-set Case Management Conference on February 28, 2013.

5 Since the last hearing on Defendant's Motion to Dismiss, there have been the following
6 alterations to the pleadings, and negotiations arising therefrom:

- 7 1) Plaintiffs filed a First Amended Complaint which added causes of action for breach
8 of contract and breach of the implied covenant of good faith and fair dealing arising
9 therefrom; and added Plaintiffs Chevon White and Karla Fernandez;
- 10 2) With respect to former Plaintiff Esther Williams, Plaintiffs moved for and secured an
11 order of the Superior Court vacating that Court's March 5, 2011 Order approving the
12 Stipulation of settlement; and striking those portions of the MHA-Williams settlement
13 that dealt with Williams' obligation to pay attorney's fees, and her release of claims
14 pertaining thereto (copies of which order will be provided to this Court with the Joint
15 Case Management Statement;)
- 16 3) Plaintiffs provided Defendant with copies of both the First and Second Amended
17 Complaints for review and analysis. Defendant pointed out that the contractual claims
18 for damages were defective, given Plaintiffs' failure to present administrative claims
19 relating thereto;
- 20 4) Plaintiffs have drafted and provided to Defendant the proposed Second Amended
21 Complaint (a copy of which is attached hereto as Exhibit A.) That Complaint adds
22 Williams back as a class Plaintiff, includes a cause of action for restitution under 42
23 USC 1983 and the U.S. Housing Act, based on MHA's allegedly improper rent-setting
24 practices, but excludes any contract claims relating to such practices.
- 25 5) Defendant's counsel agree that they have had adequate time to review the proposed
26 changes, and have determined not to file a motion to dismiss or strike attacking the new
27 Second Amended Complaint, but rather reserve Defendant's rights to attack the pleading
28 by dispositive motion or proceedings relating to class certification.

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The parties therefore stipulate that Plaintiff shall be entitled to file the Second Amended Complaint. Defendant will answer on or before February 25, 2013. Defendant shall be entitled to file any dispositive motions otherwise permitted, and its not having moved to dismiss shall not be cited as a waiver of any grounds to attack the pleadings available under such dispositive motion.

The parties therefore request that the Court approve this Stipulation and authorize the filing of the attached Second Amended Complaint.

DATED: February 11, 2013

SOMMERS & SCHWARTZ LLP

s/Andrew Schwartz

By: Andrew Schwartz
Attorneys for Plaintiffs

DATED: February 11, 2013

CHOLAKIAN & ASSOCIATES

s/Colin Jewell

By: Colin Jewell

Attorneys for Defendant

STIPULATION APPROVED

Dated: February 12, 2013

US DISTRICT COURT


Hon. Richard Seeborg