

EXHIBIT C

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19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

21 WELLS FARGO BANK, NATIONAL
22 ASSOCIATION, as Trustee, *et al.*,

23 Plaintiffs,

24 v.

25 CITY OF RICHMOND, CALIFORNIA, a
26 municipality, and MORTGAGE
RESOLUTION PARTNERS LLC,

27 Defendants.
28

Case No. CV-13-3663-CRB

**DEFENDANTS' SUPPLEMENTAL
MEMORANDUM RE: MOTION TO
DISMISS FOR LACK OF JURISDICTION
(DOC. 38) AND MOTION FOR
PRELIMINARY INJUNCTION (DOC. 8)**

Date: Sept. 12, 2013
Time: 10:00 am
Place: Courtroom 6, 17th Floor
The Hon. Charles R. Breyer

**DEFENDANTS' SUPPLEMENTAL MEMORANDUM RE:
MOTION TO DISMISS FOR LACK OF JURISDICTION (DOC. 38)
AND MOTION FOR PRELIMINARY INJUNCTION (DOC. 8)**

At the September 10, 2013 meeting of the Richmond City Council, the following agenda item was approved:

I-2. HEAR a report from staff on Richmond CARES -- the Local Principal Reduction Program, and DIRECT staff to: (1) to work to set up a Joint Powers Authority (JPA) together with other interested municipalities, as a next step forward in the development of this program; (2) to confirm that no loans will be acquired by the City through eminent domain before coming back to the full City Council for a vote; and (3) to continue working with MRP to resolve any remaining legal issues.¹

As such, the legal status of this matter remains unchanged: The City of Richmond is exploring the idea of acquiring underwater mortgage loans to reduce principal balances, but its City Council has not adopted a resolution of necessity to authorize the use of eminent domain authority, or even held a public hearing on whether to adopt a proposed resolution of necessity, or even given notice of such a public hearing. Moreover, if a Joint Powers Authority is created with other interested municipalities to further develop a principal reduction program, then it might be the JPA, as opposed to the City, that would be exercising eminent domain authority, should such authority ever be exercised.

All that being so, this lawsuit was and remains a SLAPP suit that should be dismissed for lack of jurisdiction.

Dated: September 11, 2013

Respectfully submitted,

/s/ Scott A. Kronland
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¹ This agenda item was modified slightly before approval, to also require: 1) a monthly status report from the JPA, and 2) City staff to report back to Council in 30 days regarding status, including efforts to set up a JPA and to resolve remaining legal issues. There are no official minutes of the meeting yet.

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