

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MODESSA HENDERSON, et al.,

No. C 07-2395 SBA

Plaintiffs,

ORDER
[Docket No. 20]

v.

HARBOR ISLAND APARTMENTS, et al.,

Defendants.

_____ /

United States District Court
For the Northern District of California

The defendants' motion to dismiss this action or stay this action came on for hearing on September 30, 2008 before the Honorable Sandra Brown Armstrong, pursuant to ex parte application and court order shortening time.

Plaintiff was represented by Timothy Rumberger of the Law Offices of Timothy Rumberger. Defendant Thurman Bridgeport was represented by Peter O. Glaessner of Lombardi, Loper & Conant, LLP. Defendants Fifteen/Rockpoint Alameda, LLC, Fifteen Asset Management, LLC, FG Managing Member, Inc. and Alameda Multifamily Ventures, LLC were represented by David Semel of Colombatto Sims LLP. All defendants were represented by Mark Hartney of Allen Matkins Leck Gamble Mallory & Natsis LLP.

The Court, having read and considered the motion and opposition papers, and having heard the arguments of counsel, orders as follows:

1. Plaintiff is not the real party in interest under Fed. R.Civ.P. 17(a). The bankruptcy trustee assigned to her previous bankruptcy is the real party in interest with respect to her claims alleged in the amended complaint.
2. This action is stayed until December 1, 2008, in order to allow reasonable notice to the bankruptcy trustee under Fed..R.Civ.P. 17(a)(3).
3. The bankruptcy trustee shall file a pleading in this action no later than December

1 1, 2008, advising if the trustee intends to prosecute or abandon this claim. If the trustee
2 abandons the claim, or if no pleading is filed by the trustee by December 1, 2008, then the Court
3 shall issue an order dismissing Henderson's claim without prejudice.

4 4. If the trustee prosecutes such claim, the parties shall attend a Case Management Conference
5 on **December 11, 2008, at 3:00 p.m.** The parties shall **meet and confer** prior to the conference and
6 shall prepare a joint Case Management Conference Statement which shall be filed no later than ten
7 (10) days prior to the Case Management Conference that complies with the Standing Order for All
8 Judges of The Northern District of California and the Standing Order of this Court. Plaintiffs shall
9 be responsible for filing the statement as well as for arranging the conference call. All parties shall
10 be on the line and shall call (510) 637-3559 at the above indicated date and time.

11 5. Plaintiffs' counsel is directed to serve a copy of this order, once filed, on the
12 bankruptcy trustee within five days, and to provide the trustee with information sufficient to
13 properly serve the defendants' counsel with any pleading filed.

14 6. Any pleading filed by the bankruptcy trustee in this action shall be served on all
15 counsel in this action.

16 IT IS SO ORDERED.

17
18 Dated: 10/7/08


SAUNDRA BROWN ARMSTRONG
United States District Judge