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 Associates

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12 PALO MOBILE ESTATES ASSOCIATES,
 13 a California limited partnership,

14 Plaintiff,

15 vs.

16 CITY OF EAST PALO ALTO, a municipal
 17 corporation; DOES 1 through 10, inclusive,

18 Defendants.
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CASE NO: C 07-03601 PJH

**STIPULATION TO CONTINUE CASE
 MANAGEMENT CONFERENCE;
 [PROPOSED] ORDER**

Superior Court Action Filed: June 12, 2007
 Removed to Federal Court: July 12, 2007
 Trial Date: None Set

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1 WHEREAS, the Court has stayed this matter at the request of both parties pending the
2 outcome of the concurrent petition for a writ of mandate in the San Mateo County Superior Court
3 (“Case No. CIV 467731”);

4 WHEREAS, whereas Case No. CIV 467731 sought a writ compelling the City of East Palo
5 Alto (“City”) to vacate Ordinance No. 305, which imposed certain conditions on mobilehome park
6 conversions from rental-only facilities to resident ownership pursuant to Government Code section
7 66427.5 within the City;

8 WHEREAS, the San Mateo County Superior Court entered a writ in Case No. CIV 467731
9 on June 24, 2008 (“Writ”);

10 WHEREAS, this action seeks damages related to the City’s adoption of Ordinance No. 305
11 and its effect on plaintiff Palo Mobile Estates Associates’ (“PME”) application to convert its
12 mobilehome park from a rental-only facility to resident ownership pursuant to Government Code
13 section 66427.5 (“Application”);

14 WHEREAS, this Court continued the Case Management Conference set for October 2,
15 2008 to November 6, 2008 to allow the parties to take into account the outcome of the City’s
16 October 13, 2008 hearing on PME’s Application, which could drastically affect the scope of this
17 action;

18 WHEREAS, the City’s Planning Commission continued the October 13, 2008 hearing until
19 October 20, 2008, at which time it denied PME’s Application;

20 WHEREAS, PME is preparing to appeal the City’s Planning Commission’s decision to the
21 City Council;

22 WHEREAS, parties will not receive a final determination on PME’s Application from the
23 City until the appeal is heard by the City Council;

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ACCORDINGLY, IT IS HEREBY STIPULATED by PME and the City, by and through their respective counsel, that:

This Court continue the stay in this action and continue the Case Management Conference to January 22, 2009.

DATED: October 24, 2008

GILCHRIST & RUTTER
Professional Corporation

By: /s/ Thomas W. Casparian
Thomas W. Casparian
Attorneys for Plaintiff
Palo Mobile Estates Associates

DATED: October 24, 2008

JARVIS, FAY, DOPORTO & GIBSON, LLP

By: /s/ Benjamin P. Fay
Benjamin P. Fay
Attorneys for Defendant
CITY OF EAST PALO ALTO

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 10/28/08



