

1 RICHARD H. CLOSE (Bar No. 50298)
 rclose@gilchristrutter.com
 2 THOMAS W. CASPARIAN (Bar No. 169763)
 tcasparian@gilchristrutter.com
 3 YEN N. HOPE (Bar No. 233880)
 yhope@gilchristrutter.com
 4 GILCHRIST & RUTTER
 Professional Corporation
 5 Wilshire Palisades Building
 1299 Ocean Avenue, Suite 900
 6 Santa Monica, California 90401-1000
 Telephone: (310) 393-4000
 7 Facsimile: (310) 394-4700

8
 9 Attorneys for Plaintiff Palo Mobile Estates
 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.
 19

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

LAW OFFICES
GILCHRIST & RUTTER
 PROFESSIONAL CORPORATION
 1299 OCEAN AVENUE, SUITE 900
 SANTA MONICA, CALIFORNIA 90401-1000
 TEL (310) 393-4000 • FAX (310) 394-4700

20
 21
 22
 23
 24
 25
 26
 27
 28

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 March 19,
15 2009 to September 3, 2009 to allow the parties to receive a final determination on PME’s
16 Application, as the City’s decision on PME’s Application could drastically affect the scope of this
17 action;

18 WHEREAS, final approval on the Application first requires the City’s approval of PME’s
19 tentative tract map, followed by the City’s approval of PME’s final map;

20 WHEREAS, on January 27, 2009, the City, through its City Council, voted to approve
21 PME’s tentative tract map;

22 WHEREAS, the City, through its City Council, has not yet approved PME’s final map but
23 is expected to do so within the next six (6) months, thereby conferring final approval on the
24 Application;

25 WHEREAS, PME may dismiss this action pending approval of the final map.

26 //

27 //

28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 2010 to March 4, 2009-

DATED: August 25, 2009

GILCHRIST & RUTTER
Professional Corporation

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

DATED: August 25, 2009

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: 8/27/09



LAW OFFICES
GILCHRIST & RUTTER
PROFESSIONAL CORPORATION
1299 OCEAN AVENUE, SUITE 900
SANTA MONICA, CALIFORNIA 90401-1000
TEL (310) 393-4000 • FAX (310) 394-4700

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 1299 Ocean Avenue, Suite 900, Santa Monica, California 90401-1000. On August 25, 2009, I served the within documents:

STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE [PROPOSED] ORDER

- by transmitting the document(s) listed above via facsimile from sending facsimile machine number to the fax number(s) set forth below on this date before 5:00 p.m. and receiving confirmed transmission reports indicating that the document(s) were successfully transmitted.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Santa Monica, California, addressed as set forth below.
- by causing overnight delivery by of the document(s) listed above to the person(s) at the address(es) set forth below.
- by causing personal delivery by of the document(s) listed above to the person(s) at the address(es) set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice for the collection and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

- (*State*) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (*Federal*) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on August 25, 2009 at Santa Monica, California.

_____/s/ M.L. Glenn_____
M.L. Glenn

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST

Valerie Armento, Esq. Attorneys for Defendant
City Attorney City of East Palo Alto
Office of the City Attorney
City of East Palo Alto
2415 University Avenue
East Palo Alto, CA 94303

Benjamin P. Fay, Esq. Attorneys for Defendant
Rick W. Jarvis, Esq. City of East Palo Alto
Jarvis, Fay, Doporto & Gibson, LLP
475 - 14th Street, Suite 260
Oakland, CA 94612