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6 Attorney for Petitioner Besaro Mobile Home Park, LLC,  
 dba Besaro Mobile Home Park

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11	Besaro Mobile Home Park, LLC, dba Besaro Mobile Home Park	)	Case No. C10-00478 CW
12		)	
13	Petitioner,	)	STIPULATION AND <del>PROPOSED</del>
14	vs.	)	ORDER STAYING FEDERAL
15	The City of Fremont, the City of Fremont	)	PROCEEDINGS PENDING
16	Rent Review Officer, May Lee,	)	COMPLETION OF STATE COURT
17	the City of Fremont Hearing Officer,	)	PROCEEDINGS - <b>AS MODIFIED</b>
18	Ruth S. Astle,	)	
19	Respondents,	)	
20	The Tenants Residing at Besaro	)	
21	Mobile Home Park,	)	
22	Real Parties In Interest.	)	

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STIPULATION AND ORDER STAYING FEDERAL PROCEEDINGS PENDING COMPLETION OF  
 STATE COURT PROCEEDINGS

Case No. C10-00478 CW



1 *City of Capitola*, 583 F. 3d 674, 684-690 (9<sup>th</sup> Cir. 2009).

2           6. Respondents the City of Fremont and May Lee have stated that if the Petitioner does  
3 not stipulate to a stay of the federal court proceedings, they intend to file a motion requesting  
4 this Court to dismiss, abstain and/or stay the federal court proceedings while the state court  
5 proceedings are pending, relying on, inter alia, *Williamson County Regional Planning*  
6 *Commission v. Hamilton Bank of Johnson City*, 473 U.S. 172, 192-195 (1985); *Younger v.*  
7 *Harris*, 401 U.S. 37 (1971); *Railroad Commission of Texas v. Pullman Co.*, 312 U.S. 496  
8 (1941); *Gilbertson v. Albright*, 381 F. 3d 965, 968 (9<sup>th</sup> Cir. 2004), the District Court's ruling  
9 in *Besaro Mobile Home Park, LLC v. City of Fremont*, Case No. C05-02886 and the Ninth  
10 Circuit Court of Appeal's ruling in *Besaro Mobile Home Park, LLC v. City of Fremont*, Case  
11 No. 06-17201.

12           7. The Petitioner acknowledges that this Court is likely to stay the federal court  
13 proceedings while the state court proceedings are pending. *Los Altos El Granada Investors*  
14 *v. City of Capitola*, 583 F. 3d 674, 684-690 (9<sup>th</sup> Cir. 2009) and *Gilbertson v. Albright*, 381 F.  
15 3d 965, 968 (9<sup>th</sup> Cir. 2004).

16           8. Rather than incurring additional time and expense litigating the proposed motion,  
17 the Petitioner and Respondents the City of Fremont and May Lee agree that the federal court  
18 proceedings should be stayed pending final resolution of the state court proceedings.  
19 Accordingly, the Petitioner and Respondents the City of Fremont and May Lee respectfully  
20 request this Court to stay the federal court proceedings until the state court proceedings are  
21 finally resolved.

22  
23 IT IS SO STIPULATED:

24 Dated: May 19, 2010

Law Office of Anthony C. Rodriguez

25  
26 s/ Anthony C. Rodriguez  
27 By: Anthony C. Rodriguez  
28 Attorney for the Petitioner

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Dated: May 19, 2010

Richards, Watson & Gershon

s/ Rochelle Browne  
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By: Rochelle Browne  
Attorney for Respondents the City of Fremont and May  
Lee

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ORDER

Pursuant to the stipulation of the parties, and good cause appearing, this action is hereby stayed, pending final resolution of the state court proceedings, including any and all appeals. Nothing herein shall preclude any party from seeking to dissolve this stay during the pendency of the state court proceedings, pursuant to noticed motion filed with this Court. The parties shall advise this Court within sixty (60) days of the state court proceedings being finally resolved (including any and all appeals), so that this Court may take any appropriate action at that time, including scheduling any Case Management Conference that may be required. **The parties shall file a joint status report on November 1, 2010 and every 180 days thereafter.**

IT IS SO ORDERED:

Dated: May 27, 2010

  
\_\_\_\_\_  
The Honorable Claudia Wilken  
United States District Judge

PROOF OF SERVICE BY MAILING

I declare I am employed in the County of Alameda, California. I am over the age of 18 years and I am not a party to the within cause. My business address is 1425 Leimert Boulevard, Suite 101, Oakland, California 94602.

On May 19, 2010 I served the following document:

1. STIPULATION AND [PROPOSED] ORDER "STAYING" FEDERAL PROCEEDING PENDING COMPLETION OF STATE COURT PROCEEDINGS

on the following by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully paid, in the United States mail at Oakland, California, addressed as follows:

Rochelle Browne, Esq.  
Richards, Watson & Gershon  
355 South Grand Avenue, 40<sup>th</sup> Floor  
Los Angeles, California 90071

Harvey E. Levine, Esq.  
City Attorney, City of Fremont  
3300 Capitol Avenue  
Fremont, California 94537-5006

Ruth S. Astle  
California Office of Administrative Hearings  
1515 Clay Street, Suite 206  
Oakland, California 94612

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 19, 2010 at Oakland, California.

s/ Anthony C. Rodriguez  
\_\_\_\_\_  
Anthony C. Rodriguez