I

1 2 3 4 5 6 7 8 9	ANTHONY C. RODRIGUEZ (State Bar No. 122479) LAW OFFICE OF ANTHONY C. RODRIGUEZ 1425 LEIMERT BOULEVARD, SUITE 101 OAKLAND, CALIFORNIA 94602 Telephone: (510) 336-1536 Facsimile: (510) 336-1537 Email: arodesq@pacbell.net Attorney for Petitioner Besaro Mobile Home Park, LLC dba Besaro Mobile Home Park UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA / OAKLAND	
11	Besaro Mobile Home Park, LLC,) dba Besaro Mobile Home Park)	Case No. C10-00478 CW
12)	STIPULATION REGARDING
13	Petitioner,)	BRIEFING SCHEDULE ON MOTION TO DISMISS AND AMENDED PETITION
14	VS.)	FEIIIION
15 16	The City of Fremont, the City of Fremont) Rent Review Officer, May Lee,) the City of Fremont Hearing Officer,)	Date: June 20, 2013 Time: 2:00 p.m.
10	Ruth S. Astle,	Location: Courtroom 2 Judge: Hon. Claudia Wilken
18	Respondents,)	
18) The Tenants Residing at Besaro) Mobile Home Park,)	Trial Date: Not Set Petition Filed: February 2, 2010
20) Real Parties In Interest.)	
21)	
22		
23		
24		
25		
26		
27		
28	STIPULATION REGARDING BRIEFING SCHEDULE ON MOTION TO DISMISS AND AMENDED PETITION Case No. C10-00478 CW	

1	Petitioner Besaro Mobile Home Park, LLC dba Besaro Mobile Home Park ("the		
2	Petitioner") and Respondents, the City of Fremont and May Lee ("the Respondents"), by and		
3	through their respective attorneys of record, hereby stipulate as follows:		
4	RECITALS		
5	1. On or about February 2, 2010, the Petitioner initiated these proceedings by		
6	filing a Petition for a Writ of Administrative Mandamus in this court ("the federal court		
7	proceedings"). At the same time, the Petitioner filed a Petition for a Writ of Administrative		
8	Mandamus in the Alameda County Superior Court ("the state court proceedings").		
9	2. On or about July 29, 2010, this court stayed the federal court proceedings,		
10	pending final resolution of the state court proceedings. As of that date, the Respondents had		
11	not filed a responsive pleading in the federal court proceedings.		
12	3. On or about February 27, 2013, this court granted the Petitioner's motion to		
13	reopen the federal court proceedings. The Respondents have advised that they intend to file		
14	a motion to dismiss the federal court proceedings. The Petitioner has advised that it intends		
15	to file an amended petition after the motion to dismiss is filed, pursuant to Federal Rules of		
16	Civil Procedure Section 15(a)(1)(B).		
17	4. This court has directed the Petitioner and the Respondents to stipulate to a		
18	briefing schedule on or before March 6, 2013 with respect to the Respondents' motion to		
19	dismiss the federal court proceedings.		
20	5. In its July 29, 2010 ruling, this court determined also that Respondent Ruth		
21	S. Astle is not required to file any additional pleadings or papers in the federal court		
22	proceedings. Accordingly, Respondent Ruth S. Astle is not a party to this stipulation.		
23	WHEREFORE, THE PETITIONER AND RESPONDENTS THE CITY OF		
24	FREMONT AND THE CITY OF FREMONT'S HEARING OFFICER, MAY LEE, AGREE		
25	AS FOLLOWS:		
26	STIPULATION		
27	A. The Respondents shall file and serve their motion to dismiss the federal court		
28	STIPULATION REGARDING BRIEFING SCHEDULE ON MOTION TO DISMISS AND AMENDED PETITION		
	Case No. C10-00478 CW		

I

1 proceedings on or before Friday, May 3, 2013.

B. The Petitioner shall file and serve its opposition brief, if any, on or before
Monday, May 20, 2013.

4 C. The Respondents shall file and serve their reply brief, if any, on or before
5 Friday, May 31, 2013.

D. The hearing on the Respondents' motion to dismiss shall be noticed for
Thursday, June 20, 2013 at 2:00 p.m., which date is currently open on this court's calendar.
Should that date no longer be open at the time the Respondents file their motion to dismiss,
the Respondents shall set the hearing on their motion to dismiss for the next available date
on this court's calendar that is available for both the Petitioner and the Respondents.

E. Pursuant to Federal Rules of Civil Procedure Section 15(a)(2) and Civil Local
Rules, Rule 6-1(a), the Petitioner and the Respondents hereby agree that the Petitioner may
file an amended petition on or before Wednesday April 3, 2013. Should Petitioner file an
amended petition on or before Wednesday April 3, 2013, said filing shall not change the
briefing schedule on the Respondents' motion to dismiss, as set forth above.

16 **IT IS SO STIPULATED.**

17

18

19

20

21

22

23

24

25

26

27

28

Law Office of Anthony C. Rodriguez Dated: March 5, 2013 By: s/ Anthony C. Rodriguez Anthony C. Rodriguez, Esq. Attorney for the Petitioner DISTR Iarch 5, 2013 Richards, Watson & Gershon IT IS SO ORDERED s/ Rochelle Browne Rochelle Browne, Esq. Judge Claudia Wilken Attorney for Respondents the City of Fremont and May Lee NG SCHEDULE ON MOTION TO DISMISS AND AMENDED PETITION Case No. C10-00478 CW