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 U.S. Department of Housing and Urban Development

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 OAKLAND DIVISION

|    |                                  |   |   |
|----|----------------------------------|---|---|
| 13 | PEDRO GARCIA, SPECIAL ADMINSTER  | ) | Case No.: C17-04441 KAW                 |
| 14 | OF THE ESTATE OF ESTHER ALVIDREZ | ) |   |
| 15 | GARCIA,                          | ) | <b>STIPULATION AND [PROPOSED] ORDER</b> |
| 16 | Plaintiff,                       | ) | <b>GRANTING PLAINTIFF LEAVE TO FILE</b> |
| 17 | v.                               | ) | <b>FIRST AMENDED COMPLAINT</b>          |
| 18 | U.S. DEPARTMNET OF HOUSING &     | ) |   |
| 19 | URBAN DEVELOPMENT; SECRETARY OF  | ) |   |
| 20 | HOUSING AND URBAN DEVELOPMENT    | ) |   |
| 21 | OF WASHING D.C.; NOVAD           | ) |   |
| 22 | MANAGEMENT CONSULTING, LLC,      | ) |   |
| 23 | CIMARRON SERVICVE CORP OF        | ) |   |
| 24 | NEVADA; AND DOES 1 through 50,   | ) |   |
| 25 | inclusive.                       | ) |   |
| 26 | Defendants.                      | ) |   |
| 27 |                                  | ) |   |
| 28 |                                  | ) |   |

25 The parties, through their counsel, hereby stipulate as follows:

26 1. On August 4, 2017, Plaintiff filed this quiet title action to challenge the government's  
 27 claimed interest in a property on which Plaintiff's family has lived for many years. ECF No. 1.

28 STIPULATION AND [PROPOSED] ORDER  
 C17-04441 KAW

1           2.       Since then, the parties have made extensive efforts to resolve the case but have been  
2 unable to reach a settlement.

3           3.       On August 14, 2018, at a Case Management Conference, Plaintiff mentioned that he  
4 planned to seek leave to amend his complaint. The government said that it would stipulate to that relief.

5           4.       On August 17, 2018, the Court entered an Order setting a Case Management Schedule.  
6 ECF No. 35. Among other things, the Order gave Plaintiff until September 7, 2018, to seek leave to  
7 amend the Complaint. *Id.* at 2.

8           5.       On September 7, 2018, Plaintiff filed a motion seeking leave to file a First Amended  
9 Complaint. ECF Nos. 37-40.

10          6.       The government does not oppose Plaintiff's request.

11          7.       The parties agree that Plaintiff should have leave to file his proposed amended complaint  
12 and that the government shall have thirty days to respond to that pleading once the Court grants Plaintiff  
13 leave and Plaintiff files the amended complaint.

14  
15                   IT IS SO STIPULATED  
16  
17  
18

19 DATED: September 17, 2018

Respectfully submitted,

20 ALEX G. TSE  
21 United States Attorney

22 /s/ David Pereda  
23 DAVID PEREDA  
24 Assistant United States Attorney  
25 Attorney for Defendant

26 LAW OFFICES OF RICHARD SAX

27 /s/ \* Richard Sax  
28 RICHARD SAX  
Attorneys for Plaintiff

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 9/18/18

  
KANDIS A. WESTMORE  
UNITED STATES MAGISTRATE JUDGE

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