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 11 HOUSING AND DEVELOPMENT SOFTWARE, LLC

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

15 CITY OF SAN JOSE,
 16 Plaintiff,

17 vs.

18 HOUSING & DEVELOPMENT
 19 SOFTWARE, LLC, and DOES 1-20,
 inclusive,

20 Defendants.

Case Number: C04-05140 JF

**JOINT CASE MANAGEMENT
 STATEMENT AND PROPOSED
 ORDER**

22 HOUSING & DEVELOPMENT
 23 SOFTWARE, LLC,
 24 Counter-claimant,

25 vs.

26 CITY OF SAN JOSÉ, and ROES 1-10,
 27 Counter-defendants.

1 On January 23, 2009, the parties jointly submitted a Case Management Statement and
2 Proposed Order, which the Court adopted on January 26, 2009. Pursuant to Local Rule 16-
3 2(d), the parties hereby jointly submit this Case Management Statement in order to report
4 progress or changes since the last statement was filed.

5 **PROGRESS SINCE THE LAST STATEMENT WAS FILED**

6 In the last Case Management Statement jointly submitted by the parties, the parties
7 reported that they had agreed to participate in a mediation on February 6, 2009 before Hon.
8 Joseph F. Biafore. The parties did indeed participate in a full-day mediation on that date.

9 The parties were close to reaching an agreement, but the terms of the agreement could
10 only be solidified upon further investigation and discovery into Defendant's financial condition.
11 The parties require a short time to conclude that investigation, at which time they hope to be
12 able to resolve this matter or else prepare for trial at that time.

13 **PROPOSAL RE: PRE-TRIAL SCHEDULE**

14 The parties disagree on the dates of a new trial in case this case cannot be settled.
15 The City would like to have a trial set no later than June 2009, while HDS cannot agree to any
16 dates before September 2009. As such, the parties have agreed that, after a reasonable time
17 to complete a settlement in this matter, the parties should appear at a status review/trial setting
18 conference in mid-April, 2009.

19 Respectfully Submitted,

20 Dated: February 20, 2009

RICHARD DOYLE, City Attorney

21 By: _____ /s/
22 ROBERT FABELA

23 Attorneys for Plaintiff and Counter-Defendant
24 CITY OF SAN JOSE

25 Dated: February 20, 2009

GREENAN, PEFFER, SALLANDER & LALLY, LLP

26 By: _____ /s/
27 CANON YOUNG

28 Attorneys for Defendant and Counter-Claimant
HOUSING & DEVELOPMENT SOFTWARE, LLC

1 **CASE MANAGEMENT ORDER**

2 The Case Management Statement and Proposed Order are hereby adopted by the
3 Court as the Case Management Order for the case and the parties are ordered to appear at a
4 status review/trial setting conference on April 24, 2009 at 10.30 a.m. The Case Management
5 Conference set for March 6, 2009 is VACATED.

6 Dated: 2/23/09, 2009


7 Hon. Jeremy Fogel
U.S. District Judge

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