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 8 Franciscan Park, LLC, Hunter Johnson and Franciscan  
 Housing Corporation  
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10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN JOSE DIVISION  
 13

14 FRANCISCAN MOBILE HOME OWNERS  
 FOR JUSTICE; ROSENDO QUINQUINI;  
 15 RORY MORDINOIA; ROBERT QUINN;  
 SANDRA HOLMAN; and MAMIE ZHU, And  
 16 on behalf of all others similarly situated,

17 Plaintiffs,

18 v.

19 LINC HOUSING CORPORATION;  
 CORPORATE FUND FOR HOUSING; LINC  
 FRANCISCAN LIMITED PARTNERSHIP;  
 20 FRANCISCAN PARK, LLC; HUNTER  
 JOHNSON; FRANCISCAN HOUSING  
 21 CORPORATION; RICHARD BERGER; DALY  
 CITY HOUSING DEVELOPMENT FINANCE  
 22 AGENCY; PACIFIC WEST MANAGEMENT;  
 FRANCISCAN ACQUISITION  
 23 CORPORATION; DAVID KENYON; and  
 DOES 1-50, inclusive,  
 24

25 Defendants.

No. CV 10 1087 JW HRL

STIPULATION AND ~~PROPOSED~~ *Proposed*  
 ORDER CONTINUING INITIAL CASE  
 MANAGEMENT CONFERENCE

Current CMC Date: September 27, 2010  
 Time: 10:00 a.m.  
 Judge: Hon. James Ware

1           WHEREAS on March 15, 2010, the Court entered an Order Setting Initial Case  
2 Management Conference and ADR Deadlines (Docket #3) setting deadlines for, among other  
3 things, the parties to meet and confer regarding ADR process selection and filing an ADR  
4 Certification, as well as scheduling an Initial Case Management Conference (“CMC”) for  
5 September 27, 2010 at 10:00 a.m., and setting deadlines for associated pre-conference filings,  
6 including the Case Management Statement, Rule 26(f) Report and Initial Disclosures;

7           WHEREAS, on July 22, 2010 Defendants LINC Housing Corporation, Corporate Fund  
8 for Housing, LINC Franciscan Limited Partnership, Franciscan Park, LLC, Hunter Johnson,  
9 Franciscan Housing Corporation, Richard Berger, Daly City Housing Development Finance  
10 Agency and Pacific West Management filed and/or joined in motions to dismiss the complaint  
11 (Docket # 30, 34-35, 37);

12           WHEREAS, on July 22, 2010, the Court entered a Stipulation and Order setting a  
13 briefing schedule for the pending motions to dismiss the complaint with a hearing date of  
14 December 20, 2010 at 9:00 a.m. (Docket # 29);

15           WHEREAS, pursuant to the Private Securities Litigation Reform Act (the “PSLRA”), 15  
16 U.S.C. § 78u-4(b)(3)(B), all discovery and other proceedings are stayed during the pendency of  
17 any motion to dismiss absent a finding that particularized discovery is necessary to preserve  
18 evidence or to prevent undue prejudice;

19           WHEREAS the parties have conferred and believe that in light of the provisions of 15  
20 U.S.C. § 78u-4(b)(3)(B) and in the interests of judicial economy, the currently scheduled CMC  
21 and related filings set forth in the Court’s March 15, 2010, Order Setting Initial Case  
22 Management Conference and ADR Deadlines (Docket #3) are premature at this stage of the  
23 litigation and should be continued until the Court has ruled on the pending motions to dismiss the  
24 complaint;

25           THEREFORE, the parties, by and through their undersigned counsel of record, hereby  
26 agree and stipulate to the following:

- 27           1. The CMC, currently scheduled for September 27, 2010, shall be continued until  
28           another date that is convenient for the Court after the Court has ruled on the

1 pending motions to dismiss the complaint;  
2 2. All deadlines set forth in the Court's March 15, 2010, Order Setting Initial Case  
3 Management Conference and ADR deadline (Docket #3) shall be continued  
4 consistently therewith, including the deadlines for the parties to meet and confer  
5 regarding ADR process selection and filing an ADR Certification, and the  
6 deadlines for associated pre-conference filings, including the Case Management  
7 Statement, Rule 26(f) Report and Initial Disclosures.

8 By entering into this Stipulation, Defendants reserve and do not waive any arguments and  
9 defenses they may possess, including, without limitation, whether the Court lacks personal  
10 jurisdiction over any of them.

11 DATED: July 23, 2010

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20 By: \_\_\_\_\_ /s/ Charlene S. Shimada  
21 Charlene S. Shimada

22 Attorneys for Defendants LINC Housing  
23 Corporation, Corporate Fund for Housing, LINC  
24 Franciscan Limited Partnership, Franciscan Park,  
25 LLC, Hunter Johnson and Franciscan Housing  
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DATED: July 27, 2010

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Robert Quinn, Sandra Holman and Mamie Zhu

DATED: July 23, 2010

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/s/ Andrew W. Couch  
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Attorney for Pacific West Management

DATED: July 26, 2010

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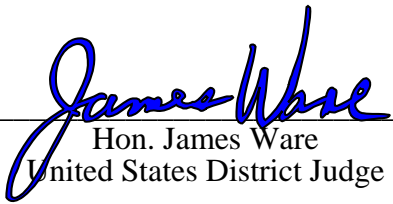
Attorney for Daly City Housing Development  
Finance Agency and Richard Berger



1 [PROPOSED] ORDER

2 Based on the above stipulation of the Parties and for good cause appearing therefore,  
3 IT IS SO ORDERED.

4  
5 DATED: August 11, 2010

  
Hon. James Ware  
United States District Judge

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1 ATTESTATION PURSUANT TO GENERAL ORDER 45

2 I, Charlene S. Shimada, attest that concurrence in the filing of this document has been  
3 obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed  
4 document.

5 I declare under penalty of perjury under the laws of the United States of America that the  
6 foregoing is true and correct.

7 Executed this 27th day of July, 2010, at San Francisco, California.

8 BINGHAM MCCUTCHEN LLP  
9

10 By: \_\_\_\_\_ /s/ Charlene S. Shimada  
11 Charlene S. Shimada

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16 Attorneys for Defendants LINC Housing  
17 Corporation, Corporate Fund for Housing, LINC  
18 Franciscan Limited Partnership, Franciscan Park,  
19 LLC, Hunter Johnson, Franciscan Housing  
20 Corporation and Richard Berger in his capacity as  
21 former director of LINC Housing Corporation and  
22 officer of the Franciscan Housing Corporation  
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**CERTIFICATE OF MAILING**

I hereby certify that on July 27, 2010, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the CM/ECF registrants on record.

By: \_\_\_\_\_ /s/ Diane R. Imai  
Diane R. Imai

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