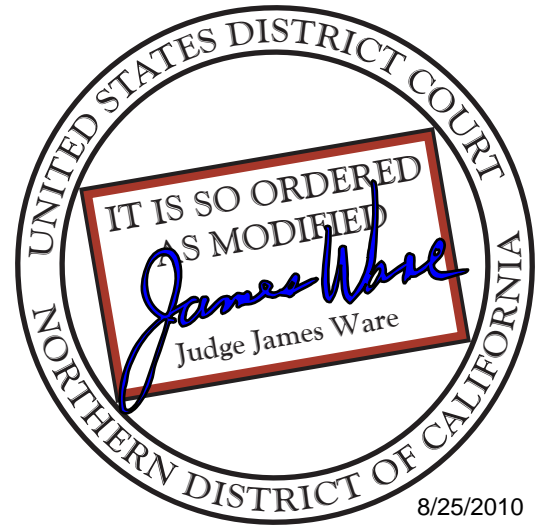


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 Housing, LINC Franciscan Limited Partnership,
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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

FRANCISCAN RESIDENT ADVISORY
 COMMITTEE, (formerly known as
 FRANCISCAN MOBILE HOME OWNERS
 FOR JUSTICE); ROSENDO QUINQUINI;
 RORY MORDINOIA; ROBERT QUINN;
 SANDRA HOLMAN; and MAMIE ZHU, And
 on behalf of all others similarly situated,

Plaintiffs,

v.

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

Defendants.

No. CV 10 1087 JW HRL

STIPULATION AND [PROPOSED]
 ORDER EXTENDING TIME TO
 RESPOND TO FIRST AMENDED
 COMPLAINT AND SETTING
 BRIEFING AND HEARING
 SCHEDULE

1 WHEREAS, on March 15, 2010, Plaintiffs filed a Complaint for Damages, Restitution,
2 Injunctive Relief, Dissolution of Corporation [and] Specific Performance (“Complaint”) (Docket
3 # 1);

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

9 WHEREAS, on August 11, 2010, the Court entered a Stipulation and Order continuing
10 the initial Case Management Conference and related deadlines until after the Court ruled on the
11 pending motions to dismiss (Docket # 43);

12 WHEREAS, on August 12, 2010, Plaintiffs filed a First Amended Complaint for
13 Damages, Restitution, Injunctive Relief, Dissolution of Corporation [and] Specific Performance
14 (“First Amended Complaint”) (Docket # 46);

15 WHEREAS, Plaintiffs have agreed to extend the time for the undersigned defendants
16 (collectively, “Defendants”) to move or otherwise respond to the First Amended Complaint to,
17 and including, September 29, 2010, or such later time as Plaintiffs may have agreed, or might
18 hereafter agree, with any party;

19 WHEREAS, in order to avoid unnecessary legal expenses and in the interests of justice
20 and judicial economy, the parties have agreed that Defendants will limit any motion(s) to dismiss
21 the First Amended Complaint to challenging claims that serve as Plaintiffs’ basis for asserting
22 federal subject matter jurisdiction. The parties further agree that if the Court denies Defendants’
23 motion(s) to dismiss or if the Court grants Defendants’ motion(s) but asserts supplemental
24 jurisdiction over remaining claims, Defendants have the right to move to dismiss any remaining
25 claims within thirty days of the Court’s order. The parties also agree that if the Court denies all
26 of Defendants’ motion(s) to dismiss, Defendants will have thirty days from the Court’s order to
27 answer the First Amended Complaint;

28 WHEREAS, the parties believe that an initial Case Management Conference is premature

1 at this stage of the litigation and should be continued until the Court has ruled on all of the
2 Defendants' motion(s) to dismiss the First Amended Complaint;

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

- 5 1. Defendants shall move or otherwise respond to the First Amended Complaint on
6 or before September 29, 2010. Defendants shall limit any motion(s) to dismiss
7 the First Amended Complaint to challenging claims that serve as Plaintiffs' basis
8 for asserting federal subject matter jurisdiction.
- 9 2. Plaintiffs shall file their opposition(s) to any motion(s) to dismiss the First
10 Amended Complaint on or before November 12, 2010.
- 11 3. Defendants shall file any reply brief(s) on or before December 15, 2010.
- 12 4. The hearing on any motion(s) to dismiss the First Amended Complaint shall be
13 set for **February 2, 2011** at 9:00 a.m., or as soon thereafter as the Court may hear
14 the matter.
- 15 5. If the Court denies Defendants' motion(s) to dismiss or if the Court grants
16 Defendants' motion(s) but asserts supplemental jurisdiction over remaining
17 claims, Defendants have the right to move to dismiss any remaining claims within
18 thirty days of the Court's order.
- 19 6. If the Court denies all of Defendants' motion(s) to dismiss, Defendants will have
20 thirty days from the Court's order to answer the First Amended Complaint.
- 21 7. The Court vacates the case management conference currently set for September 27,
22 2010 at 10:00 AM. The Court will set a new conference date in its Order
23 addressing Defendants' Motions.

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

4
5 DATED: August 17, 2010

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10 By: /s/ Charlene S. Shimada
Charlene S. Shimada

11 Attorneys for Defendants LINC Housing
12 Corporation, Corporate Fund for Housing, LINC
13 Franciscan Limited Partnership, Franciscan Park,
LLC, Hunter Johnson and Franciscan Housing
Corporation

14 DATED: August 19, 2010

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19 Attorney for Franciscan Mobile Home Owners for
20 Justice, Rosendo Quinquini, Rory Mordinoia,
21 Robert Quinn, Sandra Holman and Mamie Zhu

22 DATED: August 19, 2010

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27 Attorney for Pacific West Management

1 DATED: August 17, 2010

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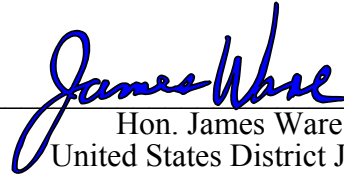
5 By: /s/ George A. Yuhas
George A. Yuhas

6 Attorney for Daly City Housing Development
7 Finance Agency and Richard Berger

[PROPOSED] ORDER

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

DATED: August 25, 2010


Hon. James Ware
United States District Judge

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 19th day of August, 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
23
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CERTIFICATE OF MAILING

I hereby certify that on August 19, 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