

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SEASIDE CIVIC LEAGUE, INC., and DEL MONTE MANOR, INC.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, and SHAUN DONOVAN, in his official capacity as Secretary of United States Department of Housing and Urban Development

Defendants.

Case No. C-14-1823-RMW

ORDER SETTING EVIDENTIARY HEARING

The court hereby sets an evidentiary hearing for Tuesday, October 7, 2014 at 1:30 p.m. on the question of who has standing to pursue (or dismiss) the pending action purportedly brought by the Seaside Civic League, Inc. and Del Monte Manor, Inc. The court seeks to resolve: (1) whether the purported new board members were properly appointed, and (2) whether Kathleen Clack or Richard Glenn is the attorney for Seaside Civic League, Inc. and Del Monte Manor, Inc. To focus on these ultimate issues, the court requests that the parties present properly authenticated evidence showing:

- 1. who called the August 11, 2014 special Seaside Civic League meeting;

- 1 2. the form of notice that was given of the August 11, 2014 special Seaside Civic League
- 2 meeting;
- 3 3. to whom notice of the August 11, 2014 special Seaside Civic League meeting was delivered;
- 4 4. when notice of the August 11, 2014 special Seaside Civic League meeting was delivered;
- 5 5. the form of notice that was given to Seaside Civic League of the appointments of any new
- 6 board members;
- 7 6. any documentary evidence of board member appointments by individual civic organizations
- 8 (this appears to have already been provided to the court);
- 9 7. the capacity in which Kathleen Clack was retained, by whom she was retained, and the date
- 10 on which she was retained;
- 11 8. the capacity in which Richard Glenn was retained, by whom he was retained, and the date on
- 12 which he was retained;
- 13 9. any dismissal, or attempted dismissals, of Kathleen Clack, by whom and when.

14 If either Richard Glenn or Kathleen Clack anticipates testifying on any of the above factual
15 issues at the hearing, they may want to consider having alternate counsel present their testimony.

16 In addition, the court requests briefs not exceeding 10 pages in length to be filed no later
17 than 5 p.m. on Thursday, October 2, 2014 focusing on the following legal issues:

- 18 1. Who is a board member for the purpose of calling a special board meeting?
- 19 2. Must notice of a special meeting be given to board members who have been removed by
- 20 their individual member civic organizations, but who have not been removed at a board
- 21 meeting?
- 22 3. Are new board members automatically appointed upon notice being given to the Seaside
- 23 Civic League, or must any new board member be formally appointed at a board meeting?

24
25 Dated: September 23, 2014


RONALD M. WHYTE
United States District Judge