

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MARIA W. LEE, WEN LEE, and LIN LEE.,  
Plaintiffs,  
v.  
RETAIL STORE EMPLOYEE BUILDING  
CORPORATION, et al.,  
Defendants.

Case No. 15-CV-04768-LHK

**ORDER GRANTING STIPULATION OF  
DISMISSAL, GRANTING PPMG'S  
MOTION FOR SUMMARY  
JUDGMENT, AND SETTING HEARING  
SCHEDULE FOR REMAINING  
MOTIONS TO DISMISS**

Re: Dkt. Nos. 56, 60, 69, 71, 79

Plaintiffs Maria Lee, Wen Lee, and Lin Lee (collectively, "Plaintiffs") bring this action against Retail Store Employee Building Corporation; Casa del Pueblo Apartment; Preservation Partners Management Group, Inc.; and Barcelon Associates Management Corp. (collectively, "Defendants"). Plaintiffs filed their original complaint on October 15, 2015, and this case was initially assigned to U.S. Magistrate Judge Howard Lloyd. ECF No. 1.

Although not entirely clear from the pleadings, it appears that Plaintiffs seek monetary damages and equitable relief for various housing discrimination claims related to their prior residence at the Casa del Pueblo Apartment complex.

On May 2, 2016, Plaintiffs filed their first amended complaint, which added Barcelon

1 Associates Management Corp. (“Barcelon”) as a Defendant. ECF No. 52 (“FAC”). Barcelon  
2 declined magistrate judge jurisdiction on June 17, 2016. Consequently, on June 21, 2016, this  
3 case was reassigned to the undersigned judge. ECF No. 80.

4 There were five pending motions at the time the instant action was reassigned:

- 5 1. Plaintiffs Maria and Wen Lee’s stipulation with PPMG to dismiss PPMG with  
6 prejudice, ECF No. 71;
- 7 2. Preservation Partners Management Group, Inc.’s (“PPMG”) motion for summary  
8 judgment as to all Plaintiffs, ECF No. 56;
- 9 3. Judge Lloyd’s Report and Recommendation, which recommended that PPMG’s  
10 motion for summary judgment be granted as to Plaintiff Lin Lee, ECF No. 79;
- 11 4. Retail Store Employee Building Corporation (“Retail Store”) and Casa del Pueblo  
12 Apartment’s (“Casa del Pueblo”) motion to dismiss the FAC as to all Plaintiffs,  
13 ECF No. 60; and
- 14 5. Barcelon’s motion to dismiss the FAC as to all Plaintiffs, ECF No. 69.

15 With respect to the foregoing motions, the Court GRANTS Plaintiffs Maria and Wen Lee’s  
16 stipulation with PPMG to dismiss PPMG with prejudice.

17 Next, as to Judge Lloyd’s Report and Recommendation, the Court notes that this Report  
18 and Recommendation was filed on June 21, 2016. Plaintiff Lin Lee did not object to the Report  
19 and Recommendation, and the time to file objections has now passed. *See* Fed. R. Civ. P. 72(b)(2)  
20 (requiring that objections be filed within 14 days of a report and recommendation). Indeed, Lin  
21 Lee did not even file an opposition to PPMG’s motion for summary judgment. Finally, PPMG has  
22 produced evidence demonstrating that “it did not assume property management duties at [the Casa  
23 del Pueblo Apartment complex] until more than a year after [P]laintiffs vacated the premises,” and  
24 thus had no “involvement with” Plaintiffs. ECF No. 79 at 2.

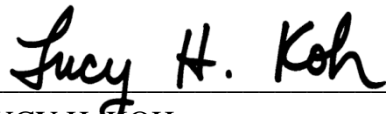
25 In light of these circumstances, the Court finds Judge Lloyd’s Report and  
26 Recommendation well-founded in fact and in law, and therefore ADOPTS the Report and  
27

1 Recommendation in its entirety. *See Siddiqui v. AG Commc'n Sys. Corp.*, 233 F. App'x 610, \*2  
2 (9th Cir. 2007) (upholding district court's decision to grant summary judgment upon finding that  
3 plaintiff had failed to oppose summary judgment motion and that defendant had produced  
4 evidence demonstrating defendant's "entitlement to judgment as a matter of law."). Accordingly,  
5 PPMG is no longer a Defendant in the instant action.

6 Finally, both Barcelon's motion to dismiss and Retail Store and Casa del Pueblo's motion  
7 to dismiss are now fully briefed. These motions will be set for hearing on August 11, 2016, at  
8 1:30 p.m. The Court will also set an initial case management conference for August 11, 2016, at  
9 1:30 p.m. The parties shall file a joint case management statement by August 4, 2016.

10 **IT IS SO ORDERED.**

11 Dated: July 6, 2016

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13 LUCY H. KOH  
14 United States District Judge  
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