

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EASEMENTS ON 3.2983 ACRES OF
LAND, MORE OR LESS, SITUATED
IN THE CITY OF SAN DIEGO, SAN
DIEGO COUNTY, STATE OF
CALIFORNIA, CITY OF SAN DIEGO,
GEORGE J. MALLOY, MARIA
MALLOY, AIDA GONZALES, SAN
DIEGO GAS & ELECTRIC CO.,
CENTRE CITY DEVELOPMENT
CORPORATION, NRG THERMAL,
LLC, COX COMMUNICATIONS, INC.,
VERIZON CALIFORNIA, INC.,
REDEVELOPMENT AGENCY OF THE
CITY OF SAN DIEGO, HEIRS or
DEWISEES OF FRANK M. PIXLEY,
HEIRS or DEWISEES OF N.
STEINMETZ, HEIRS or DEWISEES OF
JOHN N. KERR, SAN DIEGO MARINA
I, HEIRS or DEWISEES OF THOMAS
LARSON, HEIRS or DEWISEES OF
MICHAEL KEEFE,

Defendants.

3:09-CV-02323-JKS

ORDER

At Docket No. 36 the parties filed a Joint Brief in Response to Court's Order at Docket No. 35. In their joint brief, the parties established that the City of San Diego ("the City") was only seeking compensation for parcel Nos. 1, 2a, and 2c, and that the compensable interest was \$1,024,883.00. The parties also informed the Court they would be submitting a joint motion for release of funds in the amount of \$1,024,883.00 along with a joint motion for dismissal in connection with the City's interest in all six parcels listed in the Complaint.

The parties have not filed either of these documents, and the City's Application for Withdrawal of Deposit of Just Compensation at Docket No. 34 remains pending. Accordingly, because the City has abandoned its motion at Docket No. 34, the Court will deny it without

prejudice and grant leave to re-file the motion consistent with the parties' joint brief at Docket No. 36.

IT IS HEREBY ORDERED THAT the City of San Diego's EX PARTE MOTION Application for Withdrawal of Deposit of Just Compensation at Docket No. 34 is **DENIED** without prejudice with leave to renew consistent with the parties' filing at Docket No. 36. Additionally, based on the parties' filing at Docket No. 36, should the parties re-file a joint motion for release of funds, this Court will also expect the parties to file a joint motion for dismissal in connection with the City's interest in all six parcels listed in the Complaint.

IT IS SO ORDERED.

Dated: September 29, 2010.

/s/ James K. Singleton, Jr.

JAMES K. SINGLETON, JR.
United States District Judge