

United States District Court
For the Northern District of California

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THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PARK VILLAGE APARTMENTS
TENANTS ASSOCIATION, WILLIAM
FOSTER, SHIRLEY SMITH and
CORNELIUS WEEKLEY,

Case No. C-06-7389 SBA

Plaintiffs,

ORDER
[Docket No. 70]

vs.

MORTIMER HOWARD TRUST,
MORTIMER R. HOWARD and DOES
1-20,

Defendants.

After consideration of the briefs and arguments of counsel, and all other matters presented to the Court,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Summary Judgment or Summary Adjudication [Docket No. 70] is GRANTED in part and DENIED in part as follows:

1. The Court enters a declaratory judgment that defendants have violated 42 U.S.C. § 1437f(c)(8);
2. The Court enters an injunction:
 - a. Compelling defendants to rescind all prior notices to vacate, notices of lease termination, and demand letters; and
 - b. Prohibiting defendants, any persons acting in concert with defendants, and any subsequent owners of Park Village Apartments from evicting any tenant at Park

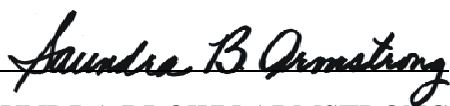
Village Apartments for reasons unrelated to violation of the material terms of their leases, or increasing any Park Village Apartments tenant's rent payment until one year after the defendants provide notices that comply with 42 U.S.C. § 1437f(c)(8); and

3. Because the Court finds that there is a genuine issue of material fact as to whether defendants "decided" not to renew the Housing Assistance Payments contract for purposes of Cal. Gov. Code §§ 65863.10 and 65863.11, plaintiffs' request for summary adjudication that defendants violated Cal. Gov. Code § 65863.10 and § 65863.11 is DENIED. Consequently, plaintiffs' request for the following relief is DENIED:

- a. Compelling defendants to provide notice in accordance with Cal. Gov. Code § 65863.10;
- b. Compelling defendants to provide notice of the opportunity to purchase Park Village Apartments in accordance with Cal. Gov. Code § 65863.11; and
- c. Prohibiting defendants from selling Park Village Apartments until defendants comply with the notice and right of first refusal provisions of Cal. Gov. Code § 65863.11.

IT IS SO ORDERED.

Dated: 7/16/08


 SAUNDRA BROWN ARMSTRONG
 United States District Judge

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