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11 City of San Jose, at al

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Robert Brown, Karen Shirey, Fred Shirey, and Robert  
Shields

**FILED**

JUN 05 2013

DAVID H. YAMASAKI  
Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara  
S. CRABTREE DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA CLARA

STAND FOR SAN JOSE; EILEEN  
HANNAN; MICHELLE BRENOT;  
ROBERT BROWN; KAREN SHIREY;  
FRED SHIREY; and ROBERT SHIELDS,

Petitioners and Plaintiffs,

vs.

CITY OF SAN JOSE; CITY COUNCIL OF  
THE CITY OF SAN JOSE;  
REDEVELOPMENT AGENCY OF THE  
CITY OF SAN JOSE; DIRIDON  
DEVELOPMENT AUTHORITY; DOES 1  
through 10, inclusive,

Respondents and Defendants.

ATHLETICS INVESTMENT GROUP LLC;  
DOES 11 through 20, inclusive,

Real Parties in Interest.

Case No. 111-CV-214196

STIPULATION TO VACATE BRIEFING  
SCHEDULE IN LIGHT OF POTENTIAL  
MOOTNESS, AND TO SET CASE  
MANAGEMENT CONFERENCE; AND  
~~PROPOSED~~ ORDER

Action filed: December 2, 2011

1 WHEREAS, on December 2, 2011, Petitioners filed their Verified Petition for Writ of  
2 Mandamus and Complaint for Declaratory and Injunctive Relief and Attorneys' Fees, and on  
3 December 7, 2011, filed their First Amended Petition ("Petition");

4 WHEREAS, the Petition challenges a number of approvals granted by Respondents on  
5 November 8, 2011, in respect to a certain land-sale option ("Option Agreement") in and between  
6 Respondent Diridon Development Authority ("DDA") and Real Party in Interest Athletics  
7 Investment Group LLC ("Real Party"), for the potential sale of certain downtown property  
8 ("Option Agreement Property") by the DDA to Real Party for purposes of a downtown ballpark  
9 project;

10 WHEREAS, on March 21, 2013, the California State Controller issued an Asset Transfer  
11 Review of certain asset transfers previously made by Respondent San Jose Redevelopment  
12 Agency ("RDA"), and issued an order of return ("Controller's Order") that

13 "Based on H&S Code section 34167.5 [of the Community Redevelopment  
14 Law], the City is ordered to reverse the transfer of assets described in  
15 Schedule 2 [Diridon property], in the amount of \$29,137,727 and return  
16 them to the Successor Agency. The Successor Agency is directed to  
properly dispose of those assets in accordance with H&S Code section  
34177(d) and (e) and 34181(a)."

17 WHEREAS, on May 6, 2013, this Court approved a stipulated briefing schedule in the  
18 above-captioned action, pursuant to which the parties would file their briefs on June 3, July 8 and  
19 July 29, 2013, respectively, and, on May 22, 2013, this Court entered an order setting the hearing  
20 on November 8, 2013;

21 WHEREAS, on May 21, 2013, counsel for Respondents and Real Party advised  
22 Petitioners' counsel that the DDA intends to comply with the Controller's Order and return the  
23 Option Agreement Property to the Successor Agency;

24 WHEREAS, there is uncertainty with respect to further actions that may be taken, or  
25 orders issued by the Oversight Board for the Successor Agency, the Santa Clara County-Auditor  
26 Controller, the State Controller, or the State Department of Finance in connection with return of  
27 the Option Agreement Property that could render this action moot;

28

1 WHEREAS, counsel for the parties have discussed and agree, in light of the potential for  
2 such mootness, a delay in the briefing in this action is appropriate. The parties desire to vacate  
3 the briefing schedule and ask the Court to set a case management conference to take place in 45-  
4 60 days, at which time the parties will report on the status of any actions that may affect the  
5 continuation of this action.

6 Based on the foregoing, Petitioners, Respondents and Real Party, through their  
7 undersigned counsel, stipulate as follows:

8 1. The briefing schedule set by stipulation and order entered on May 6, 2013 shall be  
9 vacated.

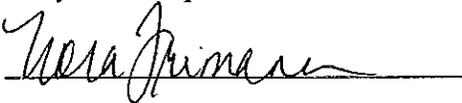
10 2. A case management conference shall take place in 45-60 days at a date and time  
11 set by the Court. At such conference, Respondents shall report on any agency actions taken in  
12 response to the Controller's Order, including the status of the Option Agreement, and the Court  
13 shall consider whether to set a new briefing schedule or to continue this matter further pending  
14 agency action.

15 3. The November 8, 2013 trial date shall remain in effect.

16 IT IS SO STIPULATED.

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CITY OF SAN JOSE

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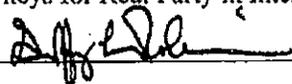
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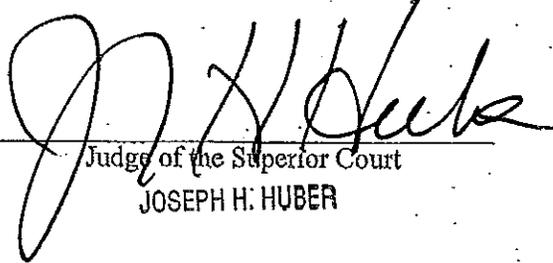
4 Attorneys for Petitioners

5 By 

6 IT IS SO ORDERED, and a case management conference shall be set for

7 8-9-13, at 9:00 A.M.

8 Dated: 6-4-13, 2013.

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 10 \_\_\_\_\_  
 11 Judge of the Superior Court  
 12 JOSEPH H. HUBER

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