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FILED

SEP 16 2003

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

MHC FINANCING, LTD, et al,

Plaintiffs,

No C-00-03785 VRW

v

ORDER

CITY OF SAN RAFAEL,

Defendant,

CONTEMPO MARIN HOMEOWNERS
ASSOCIATION,

Defendant-Intervenor.

Chevron USA, Inc v Lingle is currently pending before the Ninth Circuit. No 02-15867 (9th Cir filed Apr 26, 2003). Lingle is an appeal under a different name from the district court decision Chevron USA, Inc v Cayetano, 198 F Supp 2d 1182 (D Haw 2002). The case has been through one round of appellate litigation previously. See Chevron USA, Inc v Cayetano, 57 F Supp 2d 1003 (D Haw 1998), rev'd 224 F3d 1030 (9th Cir 2000), cert denied, 523 US 942 (2001). Due to the possible bearing of the appellate decision

1 in Lingle on the present case, the court declines to issue its
2 findings of fact and conclusions of law at this time. Accordingly,
3 the court DIRECTS the parties to keep the court apprised of any
4 developments in Lingle.

5 The court also notes a number of pending motions on the
6 docket of this case. There are three classes of such pending
7 motions. The first class consists of pretrial motions requesting
8 various relief. Docs ## 151, 153 and 157. As the trial disposed
9 of these motions, they are hereby TERMINATED as an administrative
10 matter. The second class consists of motions in limine, Docs ##
11 177-178, 183, 187, 202-213, 270-274, 281, 295, 298 and 303, that
12 were also disposed of by the trial. Accordingly, these motions are
13 TERMINATED as an administrative matter.

14 The third class relates to motions for judgment as a
15 matter of law filed before the completion of the trial. Docs ##
16 321 and 325. As the trial proceeded to jury verdict on the matters
17 addressed in the motions, these motions were DENIED and are hereby
18 TERMINATED as an administrative matter.

19 Two motions remain pending. First, on November 19, 2002,
20 Richard Marcantonio and Legal Aid of the North Bay moved to
21 withdraw as counsel for defendant-intervenor Contempo Marin
22 Homeowners Association. Doc # 365. Finding that defendant-
23 intervenor continues to be represented as required by Civ LR 11-5,
24 the court GRANTS Richard Marcantonio and Legal Aid of the North Bay
25 leave to withdraw as counsel. Second, the court notes plaintiffs'
26 renewed motion for judgment as a matter of law. Doc # 351. The
27 issues raised in this motion will be dealt with by the court in
28 connection with its findings and conclusions to be issued following

1 appellate resolution of Lingle and may, at this time, be TERMINATED
2 as an administrative matter.

3 Accordingly, the court DIRECTS the clerk to TERMINATE all
4 pending motions in the above-titled case as an administrative
5 matter.

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IT IS SO ORDERED.



VAUGHN R WALKER
United States District Judge

United States District Court
for the
Northern District of California
September 16, 2003

* * CERTIFICATE OF SERVICE * *

Case Number:3:00-cv-03785

MHC Financing

vs

City of San Rafael

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 16, 2003, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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Richard W. Wieking, Clerk

BY: 
Deputy Clerk