

# **WALKER REDUX**

*By Tom Davis*

U.S. District Judge Vaughn Walker held his long awaited hearing on Friday, August 5, to consider whether MHC's complaint against the City of San Rafael should be dismissed. A small but attentive group of Contempo residents, joined by Marin County Legal Aid Society Director Roy Chernus, listened as the judge explained his reaction to the Supreme Court's ruling in the Chevron v Lingle case. That ruling, the judge opined, wiped out any possibility that MHC's claims against the city's rent control ordinance could succeed.

But instead of dismissing the case entirely, Judge Walker, as is customary, heard oral argument from MHC's chief counsel, David Bradford, frequently asking the lawyer questions about MHC's claims. He then heard rebuttal arguments from Michael von Lowenfeld, San Rafael's lawyer, and Gordon Atkinson, substituting for Craig Daniel on behalf of the homeowners. The entire proceedings lasted somewhat less than 2 hours.

Judge Walker must now prepare a written decision, including findings of fact and conclusions of law. Given the complexity of the record in the case, that will take some time. Asked to speculate on when a final decision might appear, Craig Daniel guessed by the end of August. But then, you never know....