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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JESSE ROBIDOUX; REGINA
ROBIDOUX; RANDALL REICHENBERG)
JR. and JESSE J. ROBIDOUX JR., minors,)
by and through their GUARDIAN AD)
LITEM, REGINA ROBIDOUX; SHAUN)
JOHNSON; LORENA LINGENFELTER;)
HANNAH BURK and MICHAEL BURK,)
minors, by and through their GUARDIAN)
AD LITEM, LORENA LINGENFELTER,)
individuals,)

Plaintiffs,

v.

WACKER FAMILY TRUST; WAYNE)
WACKER, EILEEN WACKER, and)
CHRISTINE WACKER, individually and)
doing business as VILLA SERRANO)
APARTMENTS; BRIAN ROSENGREN,)

Defendants.

No. 2:06-CV-02334-LKK-DAD

NOTICE OF MOTION FOR
SUMMARY JUDGMENT, OR, IN
THE ALTERNATIVE, FOR
SUMMARY ADJUDICATION OF
ISSUES

Judge: Lawrence K. Karlton
Courtroom: 4
Date: November 3, 2008
Time: 10 a.m.
Trial: August 4, 2009

**TO EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH
PARTY IN THIS ACTION:**

YOU ARE HEREBY NOTIFIED THAT on November 3, 2008, at 10 a.m., or as soon
thereafter as the matter can be heard, in Courtroom 4 of this Court, located at 501 I Street, Sacramento,

1 California, Plaintiffs Jesse Robidoux, Regina Robidoux, Randall Reichenberg Jr., Jesse J. Robidoux
2 Jr., Shaun Johnson, Lorena Lingenfelter, Hannah Burk, and Michael Burk (“Plaintiffs”) will and
3 hereby do move this Court for Summary Judgment against Defendants Wacker Family Trust; Wayne
4 Wacker, Eileen Wacker, and Christine Wacker, Individually and Doing Business as Villa Serrano
5 Apartments (“Defendants”), or, in the alternative, pursuant to Fed. R. Civ. P. 56(d), summarily
6 adjudicating issues as follows:

- 7 1. The Companion Rule violates 42 U.S.C. § 3604(b);
- 8 2. The Companion Rule violates 42 U.S.C. § 3604(c);
- 9 3. The Pool Rule violates 42 U.S.C. § 3604(b);
- 10 4. The Pool Rule violates 42 U.S.C. § 3604(c);
- 11 5. The January 23, 2006, Ninety Day Notice of Termination of Tenancy and a Warning
12 Notice violates 42 U.S.C. §3617;
- 13 6. The June 7, 2005, Sixty Day Notice to Terminate the Tenancy violates 42 U.S.C.
14 §3617;
- 15 7. Defendants are vicariously liable for any discriminatory acts of their agent, Shaun
16 Johnson;
- 17 8. Each of defendants’ violations of § 3604(b) and (c) also constitutes a
18 violation of the California Fair Employment and Housing Act, Cal.
19 Gov’t Code § 12955(a) and (c), respectively; and
- 20 9. Each of defendants’ violations of § 3604(b) and (c) and § 12955(a) and
21 (c) also constitutes a violation of the California Unfair Business
22 Practices Act, Cal. Bus. & Prof. Code § 17200.

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24 This motion is based on this notice; the accompanying Memorandum of Points and Authorities
25 in Support Thereof; the Separate Statement of Undisputed Material Facts; the Declarations of Regina
26 Robidoux, Lorena Lingenfelter, and Shaun Johnson; the documents lodged herewith; the complete
27 files and records in this action; and such oral and documentary evidence as may be presented at or
28 before any hearing on this matter.

1 Dated: October 3, 2008

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STUART E. FAGAN

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By: /s/ Stuart E. Fagan

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Stuart E. Fagan

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Attorneys for Plaintiffs

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