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5 Attorney for 51 OWNER DEFENDANTS
(Listed on Appendix A)

6 Counsel for additional OWNER DEFENDANTS
7 as Listed on Signature Page

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 INDEPENDENT LIVING CENTER
OF SOUTHERN CALIFORNIA, a
11 California non-profit corporation; et
al.,

12 Plaintiffs,

13 v.

14 CITY OF LOS ANGELES,
15 CALIFORNIA, a California municipal
corporation; COMMUNITY
16 REDEVELOPMENT AGENCY OF
17 THE CITY OF LOS ANGELES, et al.,

18 Defendants.

Case No. 12-CV-00551 FMO (PJWx)

NOTICE OF MOTION AND JOINT
MOTION OF RULE 19 OWNER
DEFENDANTS FOR JUDGMENT
ON THE PLEADINGS

Hearing Date: November 2, 2017
Time: 10:00 a.m.
Courtroom: 6th Floor, Courtroom 6D
Judge: Hon. Fernando M. Olguin

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20 **TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:**

1 **PLEASE TAKE NOTICE** that on November 2, 2017, at 10:00 a.m., or as soon
2 thereafter as the matter may be heard in the above-styled court, located at 350 W. 1st
3 Street, 6th Floor, Courtroom 6D, Los Angeles, CA 90012, the Rule 19 Owner
4 Defendants identified below will move this Court for judgment on the pleadings
5 pursuant to Rule 12(c) of the Federal Rules of Civil Procedure.

6 The joint motion is made because, following entry of judgment against the City
7 of Los Angeles and the Community Redevelopment Agency of the City of Los
8 Angeles in favor of the Plaintiffs, the Plaintiffs have no remaining stated claims for
9 relief against the Rule 19 Owner Defendants. In addition, the Plaintiffs have already
10 achieved complete relief in this matter absent the participation of the Owner
11 Defendants, so that the Owner Defendants were not properly joined pursuant to Rule
12 19 of the Federal Rules of Civil Procedure.

13 This motion is based upon this Notice and Motion, the accompanying
14 Memorandum in Support, and docket entries in the record of this case.

15 This motion is made following the conference of counsel pursuant to L.R. 7-3,
16 which took place by telephone on September 7, 2017.

17 Respectfully submitted this 5th day of October, 2017.

18 [SIGNATURE ON FOLLOWING PAGE]
19
20

1 WARNE LAW FIRM,
2 A PROFESSIONAL CORPORATION

s/ Theresa L. Kitay

Theresa L. Kitay (SBN 237311)
Attorney at Law

s/ Christopher P. Warne

3 By: Christopher P. Warne (SBN 246479)

Attorney for Owner Defendants
4 listed in Appendix A

Attorneys for 105 East I Street, LP

5 LARA & DAVIS LLP

s/ Roberto Lara

6 Roberto Lara (SBN 193741)

s/ John R. Benson

7 John R. Benson (SBN 240855)

8 Attorneys for New Tierra del Sol, LP and
4651 Huntington, LP

Attorney for 901 South Broadway Street
LP

10 BAKER, KEENER & NAHRA, LLP

BAIRD HOLM

11 By: *s/ Phillip A. Baker*

s/ Scott P. Moore

12 Phillip A. Baker (SBN 169571)
Derrick S. Lowe (SBN 267998)

Scott P. Moore (Admitted *pro hac vice*)

13 Attorneys for Penny Lane Centers

Attorneys for Amistad Plaza, LP

14 RUTAN & TUCKER, LLP

15 By: *s/Mark J. Austin*

16 Mark J. Austin (SBN 208880)

17 Attorneys for Imani Fe, LP, a California
18 limited partnership

APPENDIX A

RULE 19 OWNER DEFENDANTS REPRESENTED

BY THERESA L. KITAY, ATTORNEY AT LAW:

1. 505 Bonnie Brae Partners, LP
2. Adams 935, LP
3. AMCAL Montecito Fund, LP
4. Andalucia Senior Apartments, LP
5. Ardmore 959 Partners, LP
6. Asturias Senior Apartments, LP
7. B S Broadway Village II, LP
8. Behringer Harvard NoHo, LLC
9. Buckingham Senior Apartments, LP
10. Cantabria Senior Apartments, LP
11. Carondelet Court Partners, LP
12. Casa Rampart, LP
13. Central Village Apartments, LP
14. Decro Orion Apartments, LP
15. Decro Osborne Apartments, LP
16. East LA Community Corporation
17. Eastside Village, LP

- 1 18. Esperanza Community Housing Corporation
- 2 19. Eugene Hotel, LP
- 3 20. FAME West 25th Street, LP
- 4 21. Far East Building, LP
- 5 22. 12129 El Dorado Avenue,, LP
- 6 23. Grandview Nine, LP
- 7 24. Hart Village, LP
- 8 25. Heavenly Vision Senior Housing, LP
- 9 26. Hobart Heights Partners, LP
- 10 27. Hoover Seniors
- 11 28. Las Margaritas, LP
- 12 29. Los Angeles Housing Partnership, Inc.
- 13 30. Los Cuatro Vientos, LP
- 14 31. Morgan Place, LP
- 15 32. New Genesis Apartments, LP
- 16 33. NoHo Senior Villas, LP
- 17 34. O L Hope, L.P.
- 18 35. P G Housing Partners, LP
- 19 36. Palm Village Senior Housing Corp.
- 20 37. Palomar Apartments, LP

- 1 38. Redrock Noho Residential, LLC
- 2 39. Renato Apartments, LP
- 3 40. Rittenhouse Limited Partnership
- 4 41. Selma-Hudson Community Limited Partnership
- 5 42. Seven Maples, LP
- 6 43. Sherman Village Apartments, LP
- 7 44. Sherman Way Community Housing, LP
- 8 45. Stovall Housing Corporation
- 9 46. Vermont Seniors
- 10 47. WA Court, LP
- 11 48. Watts/Athens Preservation XVII, LP
- 12 49. West Angeles Villas, LP
- 13 50. Western/Carlton II, LP
- 14 51. Yale Terrace, LP

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CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses denoted on the Notice of Electronic Filing.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

s/ Theresa L. Kitay

Theresa L. Kitay (CA SBN 237311)
Attorney at Law

Attorney for Owner Defendants listed in
Appendix A