Theresa L. Kitay (CA SBN 237311) 1 Attorney at Law 2 tkitay@kitaylaw.net P.O. Box 597 3 Oak Island, NC 28465 Tel: (910) 250-1982 4 Fax: (770) 454-0126 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 CENTRAL DISTRICT OF CALIFORNIA 9 10 Case No. 12-CV-00551 FMO (PJWx) INDEPENDENT LIVING CENTER OF SOUTHERN CALIFORNIA, a 11 California non-profit corporation; et al., NOTICE OF MOTION AND JOINT 12 MOTION OF RULE 19 OWNER Plaintiffs, **DEFENDANTS FOR JUDGMENT** 13 ON THE PLEADINGS V. 14 Hearing Date: November 2, 2017 CITY OF LOS ANGELES, 15 Time: 10:00 a.m. CALIFORNIA, a California municipal corporation; COMMUNITY Courtroom: 6th Floor, Courtroom 6D 16 REDEVELOPMENT AGENCY OF THE CITY OF LOS ANGELES, et al., Judge: Hon. Fernando M. Olguin 17 Defendants. 18 19 TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD: 20 21 NOTICE OF MOTION AND JOINT MOTION BY OWNER DEFENDANTS FOR JUDGMENT ON THE PLEADINGS

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CASE No. 12-CV-00551-FMO (PJWX)

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

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

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

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

Respectfully submitted this 5th day of October, 2017.

[SIGNATURE ON FOLLOWING PAGE]

1	WARNE LAW FIRM,	s/ Theresa L. Kitay
2	A PROFESSIONAL CORPORATION	Theresa L. Kitay (SBN 237311) Attorney at Law
3	s/ Christopher P. Warne	Attornay for Owner Defendants
4	By: Christopher P. Warne (SBN 246479)	Attorney for Owner Defendants listed in Appendix A
1	Attorneys for 105 East I Street, LP	
5	LARA & DAVIS LLP	
6	s/ Roberto Lara	s/ John R. Benson
7	Roberto Lara (SBN 193741)	John R. Benson (SBN 240855)
8	Attorneys for New Tierra del Sol, LP and 4651 Huntington, LP	Attorney for 901 South Broadway Street LP
9		
10	BAKER, KEENER & NAHRA, LLP	BAIRD HOLM
11	By: s/Phillip A. Baker	s/ Scott P. Moore
12	Phillip A. Baker (SBN 169571)	Scott P. Moore (Admitted pro hac vice)
	Derrick S. Lowe (SBN 267998)	Attorneys for Amistad Plaza, LP
13	Attorneys for Penny Lane Centers	
14	DUTANI 0 THOUSD IID	
15	RUTAN & TUCKER, LLP	
	By: s/Mark J. Austin	
16	Mark J. Austin (SBN 208880)	
17	Attorneys for Imani Fe, LP, a California	
18	limited partnership	
19		
20		
21	3	
	NOTICE OF MOTION AND JOINT MOTION BY OWNER DEFEND	

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1 **APPENDIX A** 2 RULE 19 OWNER DEFENDANTS REPRESENTED 3 BY THERESA L. KITAY, ATTORNEY AT LAW: 4 505 Bonnie Brae Partners, LP 1. 5 Adams 935, LP 2. AMCAL Montecito Fund, LP 6 3. 7 Andalucia Senior Apartments, LP 4. 8 Ardmore 959 Partners, LP 5. 9 6. Asturias Senior Apartments, LP **10** B S Broadway Village II, LP 7. Behringer Harvard NoHo, LLC 11 8. 12 9. Buckingham Senior Apartments, LP 13 Cantabria Senior Apartments, LP 10. **14** Carondelet Court Partners, LP 11. **15** 12. Casa Rampart, LP Central Village Apartments, LP 16 13. 17 14. Decro Orion Apartments, LP Decro Osborne Apartments, LP 18 15. 19 East LA Community Corporation 16. **20** 17. Eastside Village, LP 21 NOTICE OF MOTION AND JOINT MOTION BY OWNER DEFENDANTS FOR JUDGMENT ON THE PLEADINGS

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CASE No. 12-CV-00551-FMO (PJWX)

- 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

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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
15		
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21		6
- 1	Momento	an Maryaya and Januar Maryaya ay Oyanga Dangara and Januar ay ay Brancasa

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
