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19 UNITED STATES DISTRICT COURT
 20 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 21 WESTERN DIVISION

22 UNITED STATES OF AMERICA,

23 Plaintiff,

24 v.

25 CITY OF HESPERIA, et al.

26 Defendants.

Case No. 5:19-cv-02298 AB (SPx)

**STIPULATION TO FILE
 SUPPLEMENTAL COMPLAINT**

Complaint Filed: Dec. 2, 2019
 Fact Discovery Cut-off: Nov. 8, 2021
 Motion Cut-off: Dec. 17, 2021
 Trial Date: Mar. 22, 2022

Honorable André Birotte Jr.
 United States District Judge

28

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 Bernardino County Sheriff’s Department
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11 **STIPULATION**

12 Plaintiff United States of America (“United States”) and Defendants City of
 13 Hesperia, County of San Bernardino, and San Bernardino County Sheriff’s Department
 14 (“Defendants”) (collectively, the “Parties”) enter into and submit this Stipulation to File
 15 Supplemental Complaint in this action pursuant to Federal Rule of Civil Procedure
 16 15(d).

17 On December 2, 2019, the United States filed the instant action against
 18 Defendants alleging that they had violated the Fair Housing Act (“FHA”), 42 U.S.C.
 19 §§ 3601–3631, through the enactment and enforcement of a “crime-free rental housing”
 20 ordinance. ECF No. 1. The United States’ initial complaint alleged that Defendants,
 21 through this ordinance’s enactment and enforcement, engaged in a pattern or practice of
 22 discriminatory conduct with the intent and effect of driving African American and
 23 Hispanic renters from their homes and preventing them from obtaining housing in the
 24 City of Hesperia. *Id.* ¶¶12–74.

25 On September 9, 2020, this Court entered an order granting a stipulation of the
 26 Parties allowing the United States to file an amended complaint, ECF No. 30, and on
 27 September 10, 2020, the United States filed its first amended complaint (“FAC”), ECF
 28 No. 31. The FAC was based on the same underlying conduct, and added claims that this

1 conduct also violated Title VI of the Civil Rights Act of 1964. ECF No. 31 ¶¶3, 67–
2 80, 87–94.

3 The Supplemental Complaint adds facts concerning a new law the City enacted on
4 January 19, 2021, several months after the United States filed its FAC. *See* Ex. 1
5 ¶¶6, 63–68. The new law, “An Ordinance of the City Council of the City of Hesperia,
6 California, Amending Title 5 of the Hesperia Municipal Code Adding Chapter 5.72
7 Creating a Rental Housing Business License Program” (hereinafter the “Rental Housing
8 Business License Ordinance”), requires landlords who operate rental properties in
9 Hesperia to register with the City for a business license to do so. It also requires all
10 landlords who operate in Hesperia to register their properties with the “crime free rental
11 housing” program; undergo annual “crime prevention” inspections; and pay annual per-
12 unit fees. The United States alleges that these additional rental housing restrictions
13 support the existing claim that Defendants have engaged in a pattern or practice of using
14 rental housing restrictions to discriminate against residents and prospective residents
15 because of race and national origin.

16 Filing the Supplemental Complaint would be appropriate under Fed. R. Civ. P.
17 15(d). The stipulation is not filed in bad faith or with undue delay. *See Nunes v. Ashcroft*,
18 375 F.3d 805, 808 (9th Cir. 2004) (listing bad faith, undue delay, prejudice, futility, and
19 prior amendments as factors to consider in granting motion under Rule 15(a)); *Stinson v.*
20 *BNSF Ry. Co.*, EDCV1400143ABSPX, 2014 WL 12843826, at *2 (C.D. Cal. Nov. 11,
21 2014) (Birotte, J.) (same standard applies to supplemental pleadings under Rule 15(d) as
22 amended pleadings under Rule 15(a)). Upon learning details about the Rental Housing
23 Business License Ordinance and conducting due diligence, the United States notified
24 Defendants on June 25, 2021 of its intent to seek such leave. On June 29, 2021,
25 Defendants stated they would stipulate to the filing of the proposed Supplemental
26 Complaint.

27 Granting the stipulation also would cause no prejudice. *See Nunes*, 375 F.3d at
28 808; *Stinson*, 2014 WL 12843826 at *2. Discovery does not close for almost four months

1 on November 8, 2021, and trial is scheduled more than eight months from now on March
2 22, 2021.¹ Adding the new factual allegations also would not be futile because they
3 support plausible claims for relief previously pled in the complaint and FAC. Indeed,
4 including both ordinances in this action together would promote consistency and judicial
5 efficiency. In addition, although the United States previously filed an FAC, this is its
6 first supplemental complaint under Rule 15(d).

7 Accordingly, the Parties stipulate to the filing of the United States’ Supplemental

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25 ¹ The Parties may soon file a stipulation seeking extensions of discovery and other
26 deadlines in this action. However, the principal basis for these anticipated extensions is
27 the status of discovery concerning existing factual allegations and claims about the
28 “crime free rental housing” ordinance. The Parties believe that the additional allegations
in the proposed Supplemental Complaint will necessitate a minimal amount of additional
discovery that would benefit from, but not require, an extension of the discovery
deadlines.

1 Complaint attached to this Stipulation as Exhibit 1, and respectfully request that the
2 Court enter an order approving its filing.

3 Respectfully submitted,

4 Dated: July 13, 2021

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14 * I, Matthew Nickell, hereby attest that all
15 other signatories listed, and on whose
behalf the filing is submitted, concur in
16 the filing's content and have authorized
the filing.

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/s/ Alyssa C. Lareau
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21 Dated: July 13, 2021

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