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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

MERCED DOMINGUEZ, LUCIEN	)	
JEFFORDS, DEBORAH MAXILOVE,	)	Case Number: 3:21-cv-08599-SI
RICHARD DORAN, RONALD BANYASH,	)	
PAMALA BENFANTE, MELISSA ZAJAC,	)	<b>STATUS REPORT ON</b>
REBECCA FISHER, MELISSA	)	<b>IMPLEMENTATION OF SETTLEMENT</b>
CHEATWOOD, CLARENCE GALTNEY	)	
	)	
Plaintiffs,	)	
	)	Status Conference Date:
	)	October 14, 2022 at 3:00 p.m.
vs.	)	
	)	
	)	
CITY OF BERKELEY, et al	)	
	)	
Defendants.	)	

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Defendants City of Berkeley, et a., respectfully submit this STATUS REPORT pursuant to the September 16, 2022 Order Setting Status Conference for October 14, 2022.

1. The parties have reached a settlement which has been fully performed, with the exception of the dismissal of the action. A true and correct copy of the settlement is attached hereto as Exhibit A.
2. Since the most recent Status Conference, the City of Berkeley has completed the performance of its remaining obligation under the Settlement Agreement. Specifically, on

1 September 13, 2022, and on September 29, 2022, first and second readings of legislative  
2 amendments were adopted by the Berkeley City Council, triggering Plaintiffs' obligation  
3 to dismiss this action within 15 days, or no later than October 14, 2022.

- 4 3. In light of the full performance of the City's obligations, Defendants have prepared a  
5 stipulated dismissal of this case, and submitted it to Plaintiffs for review and filing by  
6 October 14, 2022. A true and correct copy of the email and attached Stipulation are  
7 attached hereto as Exhibits B and C, respectively. In the event that Plaintiffs do not fulfill  
8 their obligation to dismiss the case, Defendants will request that the Court enforce the  
9 settlement by dismissing this matter at the October 14, 2022 Status Conference.

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11 Dated: October 3, 2022

12 \_\_\_\_\_/s/\_\_\_\_\_  
13 Sara Stephens  
14 Counsel for Defendants, City of Berkeley, et al.  
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City of Berkeley's Proposed Settlement Offer

Contingent on City Council approval and unanimous agreement by all Plaintiffs, the City of Berkeley will do the following:

1. Take to Council for consideration a first reading of an ordinance repealing Chapter 12.76 of the Berkeley Municipal Code (the "House Cars" ordinance, also referred to as the "Human Habitation Ban"). Any second reading shall take place by September 30, 2022.
2. Take to Council for consideration a first reading of an ordinance repealing Ordinance 7643-NS, 2019 which amended Berkeley Municipal Code 14.40.120. Any second reading shall take place by September 30, 2022. The BMC section will be modified as follows:

14.40.120

A. It is unlawful for any person to park any ~~oversize or~~ heavy duty commercial vehicle on any street between the hours of two a.m. and five a.m. for a greater length of time than one hour.

B. For the purpose of this section, ~~oversize or~~ heavy duty commercial vehicle shall mean a single vehicle or combination of vehicles having more than two axles, a single vehicle or combination of vehicles 20 feet or more in length, or a single vehicle or combination of vehicles six feet six inches or more in width, and shall include, but shall not be limited to dump trucks, moving vans, tractors, pole or pipe dollies, ~~recreational vehicles (RVs), campers.~~

3. Upon City Council approval of this agreement in closed session, extend the \$1,500 SPARK grant eligibility with respect to the Plaintiffs as follows:
  - a. Plaintiffs do not have to enroll in the SPARK program to receive the grant.
  - b. Plaintiffs with an operable or inoperable vehicle may receive the grant.
  - c. Funds may be used on expenses incurred for resolving title issues, vehicle registration, vehicle tows, or vehicle repairs.

Plaintiffs' eligibility shall not be contingent on Council passing the legislative actions described in paragraphs 1 and 2 above.

4. Offer coordinated entry assessments or reassessments to all Plaintiffs. Additionally, the City will make best efforts to ensure that the Housing Navigator at BACS that is assigned to Melissa Zajac reconnects with her.

This settlement shall also require that: (1) Plaintiffs release of all claims stated in the underlying complaint; (2) Plaintiffs dismiss the lawsuit against the City within 15 days of Council approval at a second reading of both ordinance amendments in paragraphs 1 and 2. If Council fails to approve the ordinances, or fails to either approve or reject the ordinances by September 30, 2022, this agreement shall be void and have no effect; (3) parties bear their own fees and costs.

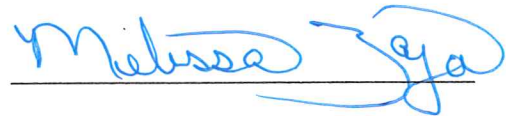
Plaintiffs agree to be bound by these terms in full settlement of their case.



Signature MERCED  
MDominguez

Name

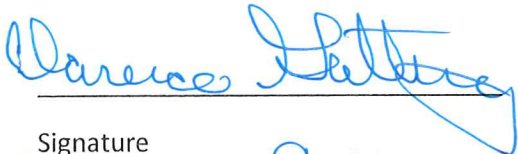
DATE 5/19/22



Signature Melissa Zajac

Name

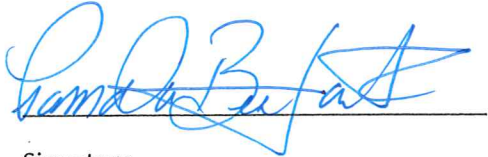
DATE 5/19/22



Signature CLARENCE GATTNER

Name

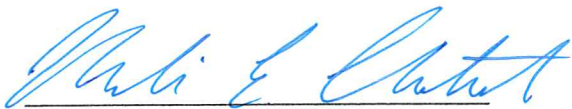
DATE 5/19/22



Signature Pamela Benfante

Name

DATE 5/19/2022



Signature Melissa E. Cheatwood

Name

DATE 5/19/2022



DATE 5/19/22

Signature

DEBRAH M. MANLOVE

Name

Paul Buddenhagen, by signing below, warrants that he has full authority to bind the City to these terms, and agrees that the City shall be bound by these terms, contingent upon Council approval.

Paul Buddenhagen


DATE 5/19/22

Signature

PAUL BUDDENHAGEN

Name

Plaintiffs agree to be bound by these terms in full settlement of their case.

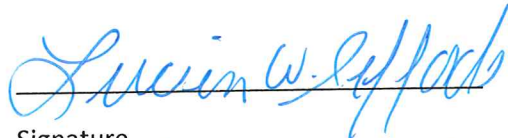


DATE 5/20/22

Signature

Rebecca Figner

Name



DATE 5/20/22

Signature

Lucien Jeffords

Name

## Stephens, Sara

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**From:** Stephens, Sara  
**Sent:** Monday, October 3, 2022 12:36 PM  
**To:** mcbear5678@gmail.com; Merced Dominguez  
**Cc:** Darrow, Brendan  
**Subject:** dismissal of Dominguez case  
**Attachments:** Stipulated Dismissal.docx

Merced and Melissa,

On September 29, the Berkeley City Council passed the second reading of the ordinance agreed to in our settlement agreement. The house cars ordinance is now repealed, and the oversized vehicle overnight parking ban no longer applies to RVs. Because the City has performed all of its obligations under the settlement agreement, it is now time for Plaintiffs to dismiss the case. We have drafted a stipulated dismissal, attached, for your convenience. Please file this by October 14.

Thank you,  
Sara

**Sara Stephens**  
Deputy City Attorney  
City of Berkeley  
2180 Milvia Street, Fourth Floor  
Berkeley, CA 94704  
[sstephens@cityofberkeley.info](mailto:sstephens@cityofberkeley.info)  
Phone: 510-295-8490

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MERCED DOMINGUEZ, LUCIEN )  
JEFFORDS, DEBORAH MAXILOVE, ) Case Number: 3:21-cv-08599-SI  
RICHARD DORAN, RONALD BANYASH, )  
PAMALA BENFANTE, MELISSA ZAJAC, ) **STIPULATION OF DISMISSAL AND**  
REBECCA FISHER, MELISSA ) **ORDER OF DISMISSAL**  
CHEATWOOD, CLARENCE GALTNEY )  
) [FRCP 41(A)]  
Plaintiffs, )  
) Status Conference Date:  
) October 14, 2022 at 3:00 p.m.  
vs. )  
)  
)  
CITY OF BERKELEY, et al )  
Defendants.

The parties to the above-entitled action hereby stipulate under Federal Rule of Civil Procedure 41(a)(1)(ii) that this action be dismissed with prejudice as to all claims, causes of action, and parties, with each party bearing that party's own attorney's fees and costs.

Dated: October 3, 2022

\_\_\_\_\_  
LUCIEN JEFFORDS

Dated: October 3, 2022

\_\_\_\_\_  
DEBORAH MAXILOVE

Dated: October 3, 2022

\_\_\_\_\_  
PAMALA BENFANTE



1 Dated: October 3, 2022

\_\_\_\_\_  
MELISSA ZAJAC

2  
3 Dated: October 3, 2022

\_\_\_\_\_  
REBECCA FISHER

4 Dated: October 3, 2022

\_\_\_\_\_  
CLARENCE GALTNEY

5  
6 Dated: October 3, 2022

\_\_\_\_\_  
MERCED DOMINGUEZ

7  
8 **Plaintiffs**

9 Dated: October 3, 2022

10 \_\_\_\_\_/s/\_\_\_\_\_  
11 Sara Stephens  
12 Counsel for Defendants, City of Berkeley, et al.

13  
14 **ORDER OF DISMISSAL**

15 Pursuant to the stipulation of the parties under Federal Rule of Civil Procedure  
16 41(a)(1)(ii), IT IS ORDERED THAT THIS ACTION BE, AND HEREBY IS, DISMISSED  
17 WITH PREJUDICE as to all claims, causes of action, and parties, with each party bearing that  
18 party's own attorney's fees and costs. The Clerk is directed to close the file.

19  
20 Dated:

\_\_\_\_\_  
SUSAN ILLSTON  
United States District Judge