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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

AVENUE 6E INVESTMENTS, LLC,
an Arizona limited liability company, et
al,

Plaintiffs,

v.

CITY OF YUMA, ARIZONA, a
municipal corporation,

Defendant.

Case No 2:09-CV-00297-JJT

**JOINT NOTICE OF SETTLEMENT AND
REQUEST TO STAY THE ACTION AND
RETAIN JURISDICTION PENDING
COMPLETION OF SETTLEMENT
TERMS**

Assigned to: Hon. John J. Tuchi

This case was scheduled to commence jury trial on May 21, 2019. On May 17, 2019, the parties filed a joint motion to vacate the trial date, advising the Court that the parties had agreed upon the terms of settlement resolving the action, subject to the approval of the Yuma City Council at its next regularly scheduled and noticed public meeting set for June 5, 2019. (Doc. 341.) The Court issued an order vacating the trial date

1 and ordering the parties to submit a Stipulation to Dismiss or a status report on or before
2 June 17, 2019. (Doc. 342.)

3 On June 5, 2019, the Yuma City Council voted to approve the terms of the
4 settlement that will resolve this action in its entirety. A copy of the settlement agreement
5 executed by the parties and approved by the City Council is attached hereto as Exhibit A.
6 To complete the terms of settlement the City must conduct a series of regularly noticed
7 public hearings and adopt a General Plan amendment and rezoning ordinance. The
8 settlement is contingent on the adoption of these rezoning ordinances which cannot, under
9 state law, be achieved through contractual means. The settlement is also contingent on the
10 Court's retention of jurisdiction pending completion of the settlement terms.

11 The parties therefore jointly stipulate to and request issuance of an order by the
12 Court staying this action pending completion of the settlement terms, retaining
13 jurisdiction, and ordering the parties to submit a joint status report every 60 days apprising
14 the Court of the status of progress of the settlement.

15 As part of their settlement agreement, the parties have agreed to use best efforts
16 and work in good faith to complete the necessary settlement milestones on the following
17 schedule:

- 18 • **June 15, 2019:** Plaintiffs or Hall Affiliated Companies file application for
19 Major Plan Amendment.¹
- 20 • **August 29, 2019:** Plaintiffs or Hall Affiliated Companies file Hall Rezoning
21 Application.
- 22 • **September 9, 2019:** City will hold its first Yuma Planning & Zoning
23 Commission hearing on Major Plan Amendment involving the Proposed Hall
24 Rezone.
- 25 • **September 23, 2019:** City will hold its second Yuma Planning & Zoning
26 Commission hearing on Major Plan Amendment involving the Proposed Hall

27 ¹ Plaintiffs filed the application for a major plan amendment on June 15, 2019.
28

Rezone.

- **October 16, 2019:** Yuma City Council will hear and decide whether to adopt Major Plan Amendment involving the Proposed Hall Rezone.
- **October 28, 2019:** City will hold its Yuma Planning & Zoning Commission hearing on the Hall Rezoning Application.
- **November 16, 2019:** The Major Plan Amendment involving the Proposed Hall Rezone shall become effective thirty (30) days after the Yuma City Council approves the Major Plan Amendment involving the Proposed Hall Rezone.
- **November 20, 2019:** Yuma City Council will introduce a rezoning ordinance to approve the Hall Rezoning Application.
- **December 4, 2019:** Yuma City Council will hear and decide whether to adopt the rezoning ordinance approving the Hall Rezoning Application.
- **January 4, 2020:** The Proposed Hall Rezone shall become effective thirty (30) days after the Yuma City Council approves the Hall Rezoning Application.

Within ten days of the final completion of the settlement – anticipated to be by January 15, 2010 under the schedule above -- the parties will file a joint stipulation to dismiss the action with prejudice.

Accordingly, the parties request entry of the proposed order lodged with this joint application.

SO STIPULATED.

DATED this xxth day of June, 2019.

BRANCART & BRANCART

SNELL & WILMER L.L.P.

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1 ORIGINAL electronically filed this
2 xxth day of June, 2019, with the Clerk
3 of the Court and copy sent via
4 U.S. Mail to Hon. John J. Tuchi

5 Copy of this document and
6 attachments emailed
7 via ECF noticing this
8 xx day of June, 2019, to

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