

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 07-21259-CIV-GRAHAM/O'SULLIVAN

MIAMI-DADE COUNTY,
a political subdivision of the
State of Florida,

Plaintiff,

vs.

UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT,
and ALPHONSO JACKSON, Secretary of
the United States Department of
Housing and Urban Development,
in his official capacity,

Defendants.

ORDER

THIS CAUSE came before the Court upon Defendants' Unopposed Motion for Enlargement of Time [D.E. 8] and Plaintiff's Motion to Require Mediation [D.E. 11].

This matter was initiated when Miami-Dade County (County) filed a two-count Complaint and Amended Verified Complaint for Mandamus and Injunctive Relief against the United States Department of Housing and Urban Development and Alphonso Jackson, Secretary of the United States Department of Housing and Urban Development (HUD) [D.E. 1, 2]. In the Amended Verified Complaint, the County alleged that, after issuing several preliminary Notices of Default against the County, HUD intended to immediately take control of the Miami-Dade County Public Housing and Section 8 operations and facilities.

The County contemporaneously filed an Emergency Motion for Preliminary Injunction and Ex Parte Motion for Temporary Restraining Order seeking to enjoin HUD from immediately taking over the Public Housing operations [D.E. 5]. The Court denied the County's Emergency Motion without prejudice finding, in part, that there was no showing that HUD intended to immediately take over Miami-Dade Public Housing operations. [D.E. 3].

On May 17, 2007, the Parties entered into a Joint Stipulation wherein HUD agreed not to take any action to implement its final decision until ten (10) business days after the date of the issuance of its final decision [D.E. 4]. On July 20, 2007, HUD filed an Unopposed Motion for Enlargement of Time seeking additional time to respond to Plaintiff's Complaint as the County indicated that it intended to file a Second Amended Complaint once it received a final determination from HUD, if such determination was adverse to the County [D.E. 8].

On August 17, 2007, the County filed a Motion to Require Mediation seeking to have the Court appoint a mediator and to require mediation to commence in this action [D.E. 11]. According to the Motion, HUD issued its final administrative decision on August 7, 2007, and intended to take over the County's public housing operations. The County stated that it was preparing to file a second amended complaint and a motion to stay or for a preliminary injunction seeking to enjoin HUD from implementing a

takeover. The County also indicated that HUD agreed not to implement its final decision until after the motion for stay or preliminary injunction had been fully briefed and ruled upon by this Court. In its Motion, the County asserted that the Southern District Local Rule 16.2 requires that, except for certain specified cases, the Court refer all civil cases to mediation. HUD opposed the Motion.

On August 20, 2007, the Court held a status conference and a hearing on the County's Motion for Mediation. In the Hearing, HUD indicated that it would be willing to attend mediation but expressed concerns about delaying the proceedings.

THE COURT has considered the Plaintiff's Motion, the pertinent portions of the record, and is otherwise fully advised in the premises. Accordingly, it is

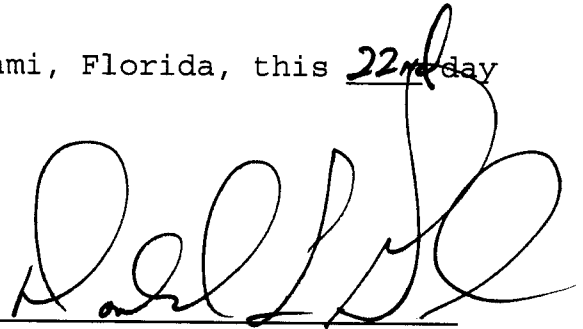
ORDERED AND ADJUDGED that the Plaintiff shall have until August 21, 2007 to file a motion seeking a preliminary injunction or stay in this matter; Defendants shall have until September 5, 2007 to file a response; and, Plaintiff shall have until September 12, 2007 to file its reply. It is further

ORDERED AND ADJUDGED that Defendants' Unopposed Motion for Extension of Time to File Answer is **GRANTED** [D.E. 8]. Defendants shall have twenty (20) days, from the date of Plaintiff's filing its Second Amended Complaint, to file an Answer or other response to the Second Amended Complaint. It is further

ORDERED AND ADJUDGED that the Plaintiff's Motion to Require Mediation is **GRANTED** [D.E. 11, 12]. The Parties shall attend Mediation before Magistrate Judge William C. Turnoff on **September 10, 2007 at 10:00 a.m.** at 300 NE First Avenue, Room 130, Miami, Florida. The Mediation shall be attended by all counsel of record and representatives of each party. Said representatives shall have full authorization to negotiate, submit, and accept offers of settlement. Additionally, the Mediation shall be conducted without a court reporter so that no record of the proceedings will be maintained. It is further

ORDERED AND ADJUDGED that the Parties shall meet and confer prior to the Mediation and submit a Joint Report by September 4, 2007, to Magistrate Judge Turnoff which sets forth all factual and legal issues to be resolved, as well as, proposed resolutions of the matter. The Joint Report shall be confidential and shall not be filed with the Clerk.

DONE AND ORDERED in Chambers at Miami, Florida, this 22nd day of August, 2007.



DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

cc: Counsel of Record
Magistrate Judge Turnoff