

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

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Central Area Neighborhood Development  
Organization, (d/b/a CANDO), a Minnesota  
non-profit corporation, et al.

Plaintiffs,

vs.

GMAC Mortgage LLC,  
a Delaware Corporation,

Case No. \_\_\_\_\_

Defendant.

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GMAC Mortgage LLC,

Plaintiff,

vs.

Case No. HC09-2839

Rosemary Williams, John Doe  
and Mary Rowe,

Defendants.

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**NOTICE OF JOINT MOTION TO STAY UNLAWFUL DETAINER  
TRIAL AND CONSOLIDATE CASES**

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PLEASE TAKE NOTICE that on May 26, 2009 at 9:00 a.m., or as soon thereafter as  
counsel may be heard, before a judge assigned to one of the two above-captioned proceedings,  
Plaintiffs in the above-captioned civil nuisance action, Central Area Neighborhood Development

Association (CANDO), et al., and Defendant in the above-captioned unlawful detainer proceeding, Rosemary Williams, by and through their undersigned counsel, will move the Court for an Order to consolidate the above-captioned civil nuisance action and above-captioned unlawful detainer action, and stay said unlawful detainer action pending the disposition of said nuisance action.

The grounds for this Motion are that the two above-captioned cases are inextricably interrelated. In the unlawful detainer action, Plaintiff GMAC Mortgage LLC seeks to evict Defendant Rosemary Williams from her home. The Plaintiffs in the civil nuisance action seek to enjoin the eviction of Rosemary Williams by GMAC on the grounds that said eviction will cause a nuisance. Numerous parties also have a pending motion seeking to intervene in the unlawful detainer action in support of Rosemary Williams on the grounds that the eviction will cause a nuisance. One of the defenses to the unlawful detainer action is therefore identical to the claim in the civil nuisance action in terms of both the underlying facts and the corporate party involved. There are also common parties asserting the nuisance claim in both actions. There will be common witnesses and substantially similar evidence in the two proceedings, making it far more efficient to litigate the issue in one proceeding.

It is also necessary to stay the eviction proceeding in order to enable a just disposition of the civil nuisance action without that action becoming moot. If the unlawful detainer action proceeds to trial as scheduled on May 26, 2009, it is possible that Ms. William could be evicted without Plaintiffs in the civil action having an opportunity for the Court to determine its singular claim to enjoin Ms. Williams' eviction on the grounds it will create a nuisance to the neighborhood. Plaintiffs would suffer irreparable harm that could not be remedied by monetary

compensation if GMAC is able to evict Ms. Williams, and thereby create another vacant and abandoned house, and destroy the community. At the same time, GMAC will not suffer any damage if its eviction proceeding is delayed. A delay in the eviction proceeding will prevent deterioration of the property and its value because it will remain occupied and appropriately maintained by a responsible resident. Absent a stay and if GMAC were to prevail in the eviction action and take possession of the property, it would own an abandoned home that will inevitably lose more value. It is therefore most fair and just and efficient for the Court to determine all matters simultaneously.

This Motion is made pursuant to Rule 20.01 of the Minnesota Rules of Civil Procedure, other applicable court rules, and the Court's power to ensure a just and efficient disposition of claims. This motion is based on all files, proceedings, and the accompanying Affidavits.

Dated:

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