

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARINGS AND APPEALS

UNITED STATES DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,

Petitioner,

v.

REALTEX HOUSING MANAGEMENT, LLC, and
VILLA MAIN HOUSING ASSOCIATES LTD.

Respondents.

22-AF-0095-PF-003

January 10, 2023

**ORDER GRANTING MOTION TO DISMISS,
TOLLING AGREEMENT & PROTECTIVE ORDER**

This matter is before the Court on the joint motion of the U.S. Department of Housing and Urban Development (“HUD” or “Government”) and Villa Main Housing Associates, Ltd. (“Respondent”), in the above-captioned proceeding, with regard to HUD and Respondent’s (collectively, “the Parties”) *Joint Motion for Dismissal Without Prejudice*.

The Parties now move for the dismissal of this matter without prejudice, because the Parties have made good progress in carrying out the necessary steps to timely permit the execution of the settlement agreement between them. Accordingly, the Parties seek to conserve their resources and those of the Court by avoiding a trial in this matter. The Parties believe the best path forward is to have the Court dismiss this case without prejudice.

However, HUD seeks permission of the Court to refile the Complaint within ninety-days in the event that the Parties are unable to execute the settlement agreement as intended by them. Additionally, Respondent agrees to waive and not seek dismissal of any count in the Complaint or oppose the subsequent refiling of the Complaint in this matter.

Finally, the Parties ask that the Court issue a Protective Order reflecting the confidentiality provisions agreed to by them.

The Court **GRANTS** the Parties’ motion for dismissal without prejudice.¹ The Court also **GRANTS** a ninety-day tolling of time from the issuance of this Order, or April 10, 2023, for

¹ The previous dismissal with prejudice as to the Realtex Housing Management, LLC remains undisturbed and unaffected by this Order.

HUD to refile the Complaint should the Parties fail to execute the settlement agreement by that date. And, the April 18, 2022 Protective Order remains in place with regard to the documents and other materials covered therein.

So **ORDERED**,

Alexander Fernández-Pons
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER GRANTING MOTION TO DISMISS, TOLLING AGREEMENT & PROTECTIVE ORDER**, issued by Alexander Fernández-Pons, Administrative Law Judge, HUDOHA 22-AF-0095-PF-003, were sent to the following parties on this 10th day of January 2023, in the manner indicated:



Cinthia Matos, Docket Clerk
HUD Office of Hearings and Appeals

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