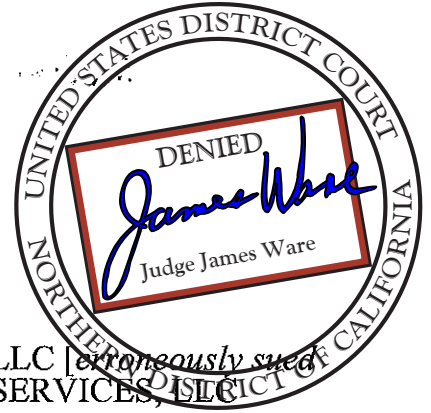


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5 Santa Ana, CA 92705
(714) 285-2633
(714) 285-2668 *facsimile*
E-Mail: emoeder@piteduncan.com



6 Attorneys for Defendant HOMECOMINGS FINANCIAL, LLC [~~extraneously sued~~
herein as Homecomings Financial Services LLC] and ETS SERVICES, LLC

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION**

10
11 LUIS SALAZAR-In Pro Per,
12 Plaintiff,

13 v.

14 HOMECOMINGS FINANCIAL
15 SERVICES LLC, QUANTUM
16 SERVICING CORPORATION, ETS
SERVICES LLC DOES 1 THROUGH
100, INCLUSIVE,

17 Defendants.

Case No. 5:09-cv-02896-RS

Assigned to Hon. James Judge Ware
Courtroom 8

Original Complaint Filed: May 22, 2009

**STIPULATION AND [PROPOSED]
ORDER SELECTING ADR
PROCESS FOUND AS MOOT**

18
19 Counsel for Defendants report that they have met and conferred regarding ADR and
20 have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

21 The parties agree to participate in the following ADR process:

22 **Court Processes:**

23 ___ Non-binding Arbitration (ADR L.R. 4)

24 ___ Early Neutral Evaluation (ENE) (ADR L.R. 5)

25 ___ Mediation (ADR L.R. 6)

26 ///

27 ///

28 ///

1 **Private Process:**

2 **X** Private ADR (please identify process and provider): Private

3 Mediation. Provider to be selected once there is an operative complaint.

4 The parties agree to hold the ADR session by:

5 **X** the presumptive deadline (*The deadltne is 90 days from the date of the order*
6 *referring the case to an ADR process unless otherwise ordered.*)

7 _____ other requested deadline _____

8
9 Counsel for HOMECOMINGS FINANCIAL, LLC and ETS SERVICES, LLC met
10 and conferred via telephone with Plaintiff on October 7, 2009. At that time, Plaintiff
11 indicated he did not want to discuss this lawsuit with our office. Counsel left a voicemail
12 for Plaintiff on October 12, 2009 in a second attempt to meet and confer, but Plaintiff has not
13 returned the phone call. Therefore, counsel is unaware of Plaintiff's preferred ADR process.

14
15 Dated: October _____, 2009

By: LUIS SALAZAR, PLAINTIFF IN PROPER

16
17 Dated: October 15, 2009

PITE DUNCAN, LLP

18
19 *Elana J. Moeder*
20 By: ELANA J. MOEDER
21 Attorneys for Defendant HOMECOMINGS
 FINANCIAL, LLC and ETS SERVICES, LLC

22 Dated: October 20, 2009

WRIGHT FINLAY & ZAK


23
24 *Christina D. Rovira*
25 By: CHRISTINA D. ROVIRA
26 Attorneys for Defendant QUANTUM
27 SERVICING, A CLAYTON HOLDINGS
 COMPANY

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IT IS HEREBY ORDERED THAT:

The Stipulation selecting ADR program is denied as MOOT. The Court has entered final judgment on October 28, 2009.

Date: October 29, 2009


United States District Court Judge

1 ***Salazar v Homecomings Financial Services, LLC, et al.***

2 U.S. District Court, Northern District of California - San Jose Division Case No. 5:09-cv-02896 RS
3 Santa Clara County Superior Court Case No. 1-09-CV-143165

4 **DECLARATION OF SERVICE**

5 I, the undersigned, declare: I am, and was at the time of service of the papers herein referred
6 to, over the age of 18 years, and not a party to this action. My business address is 1820 E. First
7 Street, Suite 420, Santa Ana, California 92705.

8 On October 21, 2009, I served the following document(s): **STIPULATION AND**
9 **[PROPOSED] ORDER SELECTING ADR PROCESS** on the parties in this action addressed as
10 follows:

11 Luis Salazar
12 3889 Sark Way
13 San Jose, CA 95111
14 Tel: (408) 666-3166/Fax: not provided
15 *Plaintiff, in pro per*

Christina D. Rovira, Esq.
WRIGHT FINLEY & ZAK
4665 MacArthur Court, Suite 280
Newport Beach, CA 92660
Tel: (949) 477-5050/Fax: (949) 477-9200
Email: rfinlay@wrightlegal.net
Email: crovira@wrightlegal.net
Attorneys for Defendant Quantum Servicing,
a Clayton Holdings Company

16 X **BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated above. I am
17 readily familiar with the firm's practice of collection and processing correspondence for
18 mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course
19 of business. I am aware that on motion of party served, service is presumed invalid if postal
20 cancellation date or postage meter date is more than one day after date of deposit for mailing
21 in affidavit.

22 X **BY ELECTRONIC TRANSFER:** I caused the above-entitled document(s) to be
23 electronically filed and served on the interested parties to the action via CM/ECF e-service
24 at <http://www.cand.uscourts.gov/>. A copy of the transmission receipt will be maintained
25 with the original document(s) in our office.

26 **BY FACSIMILE:** I personally sent to the addressee's facsimile number a true copy of the
27 above-described document(s). I verified transmission with a confirmation printed out by the
28 facsimile machine used. Thereafter, I placed a true copy in a sealed envelope addressed and
mailed as indicated above.

 STATE: I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

24 X **FEDERAL:** I certify/declare/state under penalty of perjury that the foregoing is true and
25 correct, and that I am employed in the office of a member of the bar of this Court at whose
26 direction the service was made.

26 Executed October 21, 2009, at Santa Ana, California.

27 
28 HILDA MENDOZA