

1 STROOCK & STROOCK & LAVAN LLP  
 2 JULIA B. STRICKLAND (State Bar No. 083013)  
 3 LISA M. SIMONETTI (State Bar No. 165996)  
 4 DEBORAH E. BARACK (State Bar No. 207493)  
 5 2029 Century Park East  
 6 Los Angeles, CA 90067-3086  
 Telephone: 310-556-5800  
 Facsimile: 310-556-5959  
 Email: lacalendar@stroock.com, dbarack@stroock.com

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7 Attorneys for Defendant  
 8 FEDERAL DEPOSIT INSURANCE  
 9 CORPORATION, as Receiver for  
 WASHINGTON MUTUAL BANK

10 UNITED STATES DISTRICT COURT  
 11 CENTRAL DISTRICT OF CALIFORNIA  
 12 SOUTHERN DIVISION

13 DERECK and APRIL BLACKMAN, )  
 14 )  
 15 Plaintiffs, )  
 16 v. )  
 17 WASHINGTON MUTUAL BANK, )  
 18 INC., NL FINANCIAL, INC., and )  
 19 DOES 1 through 20, inclusive, )  
 20 Defendants. )


Case No. 8:08-CV-00201-R-SH

**ORDER DISMISSING ACTION  
FOR LACK OF PROSECUTION**

1 The Court held a Further Mandatory Status Conference on October 6, 2009.  
2 April Blackman, Esq. appeared on behalf of plaintiffs Dereck Blackman and April  
3 Blackman (together "Plaintiffs") and Deborah Barack, Esq. of Stroock & Stroock &  
4 Lavan LLP appeared on behalf of defendant Federal Deposit Insurance Corporation,  
5 in its capacity as Receiver for Washington Mutual Bank ("FDIC").

6 The Court questioned counsel regarding the status of this matter. The Court  
7 finds that Plaintiffs failed timely to request administrative review of the FDIC's  
8 denial of their claim or to continue this action following the FDIC's denial of their  
9 claim pursuant to 12 U.S.C. § 1821(d)(6)(A). Accordingly, the FDIC's denial of  
10 Plaintiffs' claim shall be deemed final, and Plaintiffs shall have no further rights or  
11 remedies with respect to such claim. 12 U.S.C. § 1821(d)(6)(B).

12 IT IS HEREBY ORDERED that the action is dismissed.

13  
14  
15 DATED: \_\_\_ October 20, 2009 \_\_\_   
16 Honorable Manuel L. Real  
17 U.S. District Court Judge

18 Respectfully submitted,  
19 STROOCK & STROOCK & LAVAN LLP  
20 JULIA B. STRICKLAND  
21 LISA M. SIMONETTI  
22 DEBORAH E. BARACK

23 By:  /s/ Deborah E. Barack  
24 Deborah E. Barack

25 Attorneys for Defendant  
26 FEDERAL DEPOSIT INSURANCE  
27 CORPORATION, as Receiver for  
28 WASHINGTON MUTUAL BANK

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA )  
3 COUNTY OF LOS ) ss  
4 ANGELES

5 I am employed in the County of Los Angeles, State of California, over the age  
6 of eighteen years, and not a party to the within action. My business address is: 2029  
7 Century Park East, Los Angeles, CA 90067-3086.

8 On October 13, 2009, I served the foregoing document(s) described as:  
9 **[PROPOSED] ORDER DISMISSING ACTION FOR LACK OF PROSECUTION** on the  
10 interested parties in this action as follows:

11 Martin D. Gross, Esq.  
12 LAW OFFICES OF MARTIN D. GROSS  
13 2001 Wilshire Blvd., Suite 300  
14 Santa Monica, CA 90403

- 15  (VIA PERSONAL SERVICE) By causing the document(s), in a sealed envelope, to  
16 be delivered to the person(s) at the address(es) set forth above.
- 17  (VIA U.S. MAIL) In accordance with the regular mailing collection and processing  
18 practices of this office, with which I am readily familiar, by means of which mail is  
19 deposited with the United States Postal Service at Los Angeles, California that same  
20 day in the ordinary course of business, I deposited such sealed envelope, with postage  
21 thereon fully prepaid, for collection and mailing on this same date following ordinary  
22 business practices, addressed as set forth above.
- 23  (VIA OVERNIGHT DELIVERY) By causing the document(s), in a sealed  
24 envelope, to be delivered to the office of the addressee(s) at the address(es) set forth  
25 above by overnight delivery via Federal Express, or by a similar overnight delivery  
26 service.
- 27  (VIA E-MAIL) Based on a court order or an agreement of the parties to accept  
28 service by e-mail, I caused the documents to be sent to the persons at the e-mail  
addresses listed in the attached Service List.
- (VIA FACSIMILE) By causing such document to be delivered to the office of the  
addressee via facsimile.

I declare that I am employed in the office of a member of the bar of this court,  
at whose direction the service was made.

Executed on October 13, 2009, at Los Angeles, California.

Maria Torres  
[Type or Print Name]

[Signature]