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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

SAMUEL MAXWELL,

CASE NO. 1:08-cv-01329

Plaintiff,

**ORDER GRANTING MORTGAGEIT,  
INC.'S REQUEST FOR WAIVER OF  
ATTENDANCE AT SETTLEMENT  
CONFERENCE**

v.

UNION FIDELITY MORTGAGE, INC., ERIN  
REILLY, RANDOLPH MARTIN,  
MORTGAGEIT, INC., and DOES 1 to 20,  
inclusive,

Defendants.

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On May 12, 2010, Defendant MortgageIT, Inc. (MortgageIT) filed a request asking the Court to waive its attendance and that of its counsel from the settlement conference scheduled on May 25, 2010, at 10:30 a.m. in Courtroom 8. In support of this request, MortgageIT states that Plaintiff Samuel Maxwell and MortgageIT have fully settled the claims asserted against MortgageIT in this matter, and have executed a settlement agreement to that effect. A Motion for Determination of Good Faith Settlement is currently pending before District Judge Oliver W. Wanger, and is scheduled to be heard on May 24, 2010.

In light of the pending Motion for Good Faith Settlement, MortgageIT and its counsel of record are **conditionally** excused from attending the May 25, 2010, settlement conference. The Court's order is conditioned upon the District Judge Oliver W. Wanger's determination of a good

1 faith settlement.

2 MortgageIT is also excused from providing the Court with a settlement conference report.

3 If a determination of a good faith settlement is not obtained, MortgageIT shall promptly contact  
4 the Court.

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6 IT IS SO ORDERED.

7 **Dated: May 15, 2010**

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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