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6 Attorneys for Defendants
CAL STATE MORTGAGE CO., INC., a California
7 corporation; CAL STATE HOME LOANS, a California
Corporation; CAL STATE GROWTH FUND, a California
8 Corporation; ALEXANDER GOMEZ, ROXANNA
SEWARD, and LEONETTE BELLING

9
10 UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

12 JOSEPHINE HOUSE, by her guardian ad
13 litem, PUBLIC GUARDIAN OF
STANISLAUS COUNTY,

14 Plaintiff,

15 v.

16 CAL STATE MORTGAGE CO., INC., a
17 California corporation; CAL STATE
HOME LOANS, INC., a California
18 corporation; CAL STATE GROWTH
FUND, a California corporation,
19 ALEXANDER GOMEZ; ROXANNA
SEWARD; LEONETTE BELLING;
20 BENJAMIN CAPITAL, INC., a California
corporation; MURPHY SABATINO;
21 MILTON MCLAURIN; LARRY
MENTON; and JOAN HOUSE, a
22 necessary party.

23 Defendants.

1:08-CV-1880-OWW-GSA

Related Case Number:
1:09-CV-2134 LJO SMS

**STIPULATION AND ORDER TO TREAT
ANSWER TO THIRD AMENDED
COMPLAINT AS RESPONSIVE
PLEADING IN RELATED CASE**

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25 Pursuant to Local Rule 144(a), it is HEREBY STIPULATED by and between Josephine
26 House, by her guardian ad litem, Public Guardian of Stanislaus County (“House”), on the one
27 hand, and Defendants Cal State Growth Fund (“CSGF”), Roxanna Seward (“Seward”), and

28 ///

1 Leonette Belling (“Belling”), on the other hand, by and through their respective counsel, as
2 follows:

3 **RECITALS**

4 WHEREAS, Plaintiff commenced an action against CSGF, Seward, and others, on
5 December 7, 2009, by filing a Complaint in the above-captioned Court, Case No. 1:09-CV-2134
6 LJO SMS (the “09 Action”);

7 WHEREAS, Plaintiff filed a motion for leave to amend and filed a proposed Third
8 Amended Complaint on December 7, 2009, and filed the Third Amended Complaint against
9 CSGF, Seward, Belling and Cal State Mortgage Co., Inc., Cal State Home Loans, and Alexander
10 Gomez (collectively with CSGF and Seward “Cal State”), and others, on February 23, 2010, in
11 the above-captioned Court, Case No. 1:08-CV-1880-OWW-GSA (the “08 Action”);

12 WHEREAS, Plaintiff served CSGF and Seward with the 09 Action by mail on March 2,
13 2010, which form of service CSGF and Seward agreed to accept;

14 WHEREAS, on March 23, 2010, Cal State filed an Answer to the Third Amended
15 Complaint in the 08 Action;

16 WHEREAS, on April 1, 2010, the Court consolidated the 08 Action and 09 Action and
17 designated the 08 Action as the lead case;

18 WHEREAS, Plaintiff personally served Belling with the 09 Action on April 2, 2010; and

19 WHEREAS, Plaintiff together with CSGF, Seward, and Belling previously stipulated that
20 CSGF, Seward, and Belling’s deadline for filing their responsive pleading in the 09 Action would
21 be May 24, 2010.

22 **STIPULATION**

23 NOW THEREFORE, in consideration of the foregoing recitals, Plaintiff together with
24 CSGF, Seward, and Belling agree that Cal State’s Answer to the Third Amended Complaint in

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1 the 08 Action, filed on March 23, 2010, shall also be treated as a responsive pleading in the 09
2 Action on behalf of CSGF, Seward, and Belling.

3 DATED: May 24, 2010

DOWNEY BRAND LLP

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By: /s/ Kevin M. Seibert

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KEVIN M. SEIBERT

Attorneys for Defendants

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CAL STATE GROWTH FUND; CAL STATE
MORTGAGE CO., INC., a California

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corporation; CAL STATE HOME LOANS, a

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California Corporation; ALEXANDER GOMEZ;

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ROXANNA SEWARD; and LEONETTE

BELLING

11

DATED: May 24, 2010

CALIFORNIA RURAL LEGAL ASSISTANCE,
INC.

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By: /s/ Katherine Hogan

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KATHERINE HOGAN

Attorneys for Plaintiff

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JOSEPHINE HOUSE, by her guardian ad litem,

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PUBLIC GUARDIAN OF STANISLAUS

COUNTY

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IT IS SO ORDERED.

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Dated: May 26, 2010

/s/ Oliver W. Wanger

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UNITED STATES DISTRICT JUDGE

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