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6 Attorneys for the United States of America

7
 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
 11 CIENA CAPITAL FUNDING LLC, formerly
 known as BLX CAPITAL, LCC, a Delaware
 12 foreign limited liability company,

13 Plaintiff,

14 v.

15 DJR PROPERTIES, INC. dba SUPER 8 -
 MARIPOSA, a California corporation; U.S.
 16 SMALL BUSINESS ADMINISTRATION, a
 government agency; CIT SMALL BUSINESS
 17 LENDING CORP., a Delaware Corporation,
 SINGH CORPORATION, INC. a dissolved
 18 California corporation; NEIL ADVANI, an
 individual; SURAJ P. PURI, an individual;
 19 KAWALJIT SINGH, an individual;
 HARINDER KAUR, an individual;
 20 MARIPOSA PUBLIC UTILITY DISTRICT, a
 public utility district; TAX COLLECTOR OF
 21 MARIPOSA COUNTY, a government entity,
 and DOES 1 - 100, Inclusive,

22 Defendants.
23

CASE NO. 1:09-CV-01239-AWI-SMS

**STIPULATION AND ORDER
 PERMITTING THE UNITED STATES OF
 AMERICA TO FILE ITS AMENDED
 ANSWER TO PLAINTIFF’S FIRST
 AMENDED COMPLAINT AND
 CROSSCLAIMS**

[Fed.R.Civ.P. 15]

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 Stip. & Order Permitting USA to File its Am. Answer
 to Plaintiff’s First Am. Complaint & Crossclaims

1 Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, Plaintiff Ciena Capital
2 Funding, LLC, formerly known as BLX Capital, LLC (“Ciena”), and Defendants the United States of
3 America, on behalf of the Small Business Administration (“SBA”), DJR Properties, Inc. dba Super 8-
4 Mariposa (“DJR”), CIT Small Business Lending Corp., and the Mariposa Public Utility District, hereby
5 enter into the following stipulation.

6 **RECITALS**

7 1. Ciena has filed a First Amended Complaint for Judicial Foreclosure of Real Property;
8 Judicial Foreclosure of Security Interest; Declaratory Relief; Appointment of Receiver; and Injunction
9 in Aid of Receiver (“Complaint”) against the Defendants relating to DJR’s purchase of real estate and
10 fixtures located at 5059 Highway 140, Mariposa, California.

11 2. On July 30, 2009, the United States of America, on behalf of the SBA, answered the
12 Complaint.

13 3. The United States intends to file an amended answer under Rule 15(a)(2) of the Federal
14 Rules of Civil Procedure in order to assert crossclaims against DJR and other cross-defendants under
15 Rule 13(g)-(h) and Rules 18 through 20 of the Federal Rules of Civil Procedure in order to protect the
16 SBA’s interests in the real property that is subject to Ciena’s Complaint and to assert derivative contract
17 claims relating the real property.

18 4. It is in the interests of judicial economy to permit the United States leave of Court to file
19 an amended answer and crossclaims.

20 **STIPULATION**

21 Based on the foregoing recitals, the parties hereby stipulate that:

22 1. The United States of America, on behalf of the SBA, shall file its Amended Answer and
23 Crossclaims, a true and correct copy of which is attached hereto as Exhibit A.

24 2. Any party or cross-defendant has the right to file a pleading or properly noticed motion
25 under the Federal Rules of Civil Procedure in response to the Amended Answer and Crossclaims.
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1 **IT IS SO STIPULATED.**

2 BENJAMIN B. WAGNER
3 United States Attorney

4 Dated: November 3, 2009

5 By: /s/ Todd A. Pickles
6 TODD A. PICKLES
7 Assistant United States Attorney
8 Attorneys for the United States of America

9 Dated: November 9, 2009

10 SNELL & WILMER L.L.P.
11 By: /s/ Eric S. Pezold
12 ERIC S. PEZOLD
13 JASMIN YANG
14 Attorneys for Plaintiff Ciena Capital Funding, LLC,
15 formerly known as BLX Capital, LLC

16 Dated: November 5, 2009

17 GUTTENBERG, RAPSON & COLVIN LLP
18 By: /s/ David J. Rapson
19 DAVID J. RAPSON
20 Attorneys for CIT Small Business Lending Corp.

21 Dated: November 9, 2009

22 JOHN N. KITTA & ASSOCIATES
23 By: /s/ John N. Kitta
24 JOHN N. KITTA
25 Attorneys for DJR Properties, Inc.

26 Dated: November 3, 2009

27 COSTANZO & ASSOCIATES
28 By: /s/ Neal Constanzo
NEAL COSTANZO
Attorneys for Mariposa Public Utility District

1 **ORDER**

2 This matter came before the Court on the parties' Stipulation Permitting the United States of
3 America to File its Amended Answer and Crossclaims. For the reasons stated in the Stipulation, and for
4 good cause showing, the Court adopts the Stipulation.

5 Accordingly, IT IS HEREBY ORDERED THAT, the United States of America is granted leave
6 to file its Amended Answer and Crossclaims pursuant to Rule 15(a)(2) of the Federal Rules of Civil
7 Procedure.

8 IT IS FURTHER ORDERED THAT the United States of America is Ordered to file the
9 Amended Answer and Crossclaims within five (5) court days from service of this Order.

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11 **IT IS SO ORDERED.**

12 **Dated:** November 10, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that she is an employee in the office of the United States
3 Attorney for the Eastern District of California, and is of such age and discretion to be competent to
4 serve papers.

5 That on **November 9, 2009**, she served a copy of:

6
7 **STIPULATION AND [PROPOSED] ORDER PERMITTING THE UNITED STATES
8 OF AMERICA TO FILE ITS AMENDED ANSWER TO PLAINTIFF'S FIRST
9 AMENDED COMPLAINT AND CROSSCLAIMS**

10 by placing said copy in postpaid envelopes addressed to the persons at the place and addresses shown
11 below, which are the last known addressees, and deposited said envelopes and in the United States mail
12 in Sacramento, California.

13 **Addressee(s):**

14 Attorney for Defendant DJR Properties:

15 John Kitta, Esq.
16 39560 Stevenson Place, Suite 217
17 Fremont, CA 94539

18 CIT Small Business Lending Group
19 C/O CT Corporation System
20 818 West Seventh St.
21 Los Angeles, CA 90017

22 Attorney for Defendant Singh Corporation Inc.:

23 Rajan Kumar, Esq.
24 560 South Winchester Blvd.
25 Fifth Floor
26 San Jose, CA 95128

27 Neil Advani
28 1772 Los Arboles #J119
Thousand Oaks, CA 91362

Suraj P. Puri
43734 Cameron Hills Drive
Fremont, CA 94539

Kawaljit Singh
1021 Montclair Court
Livermore, CA 94550

1 Harinder Kaur
1021 Montclair Court
2 Livermore, CA 94550

3 Mariposa Public Utility Dist.
Attn: Gayle Parker
4 4992 Seventh St.
Mariposa, CA 95338

5 Tax Collector of Mariposa county
6 Keith M. Williams, Treasurer
4982 Tenth St.
7 Mariposa, CA 95338

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9

/s/ Karen James
KAREN JAMES
Legal Assistant
United States Attorney's Office

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