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 TRAVELERS CASUALTY AND SURETY
 COMPANY OF AMERICA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

TRAVELERS CASUALTY AND SURETY
 COMPANY OF AMERICA, a Connecticut
 corporation,

Plaintiff,

v.

NATOMA VALLEY RIDGE, LLC, a California
 limited liability company; GSJ COMPANY, LLC
 dba DUNMORE COMMUNITIES, a California
 limited liability company; GRANT AVENUE,
 LLC, a California limited liability company;
 CREEKSIDE 18, LLC, a California limited
 liability company; JEREMY A. DUNMORE, an
 individual; SIDNEY D. DUNMORE, an
 individual; RUTH DUNMORE, an individual;
 CHADY EVETTE DUNMORE, an individual;
 THOMAS E. MARTIN, an individual; DIANE
 CAROL MARTIN, an individual; STEPHEN K.
 PARKINSON, an individual; SUSAN C.
 PARKINSON, an individual; GSJ COMPANY,
 LLC dba DUNMORE COMMUNITIES, as
 trustee, for THE DUNMORE FAMILY TRUST
 dated February 24, 1977, as amended; RUTH
 DUNMORE, as trustee, for THE DUNMORE
 FAMILY TRUST dated February 24, 1977, as
 amended; WESTERN SIERRA NATIONAL
 BANK, a California corporation; WESTERN
 SIERRA BANCORP, a California corporation;
 UMPQUA HOLDINGS CORPORATION, an
 Oregon corporation; and UMPQUA BANK, an
 Oregon corporation, GSJ COMPANY, LP, a
 California limited partnership, DUNMAR, LLC,
 a California limited liability company, FAIR
 OAKS VILLAGE, LLC, a California limited

Case No. 2:08-cv-02715-JAM-JFM [lead
 case]

**STIPULATION TO WITHDRAW
 MOTION FOR SUMMARY JUDGMENT
 WITHOUT PREJUDICE AND
 [PROPOSED] ORDER**

Hearing Information

Date: July 21, 2010
 Time: 9:30 a.m.
 Courtroom: 6

The Honorable Judge John A. Mendez

1 liability company, SIBLEY SQUARE, LLC, a
2 California limited liability company, PENRYN
3 COUNTRY ESTATES, LLC, a California
4 limited liability company, Hillgate Estates, LLC,
5 a California limited liability company,
6 STEVENSON AVENUE, LLC, a California
7 limited liability company, SHASTA OAK
8 COURT, LLC, a California limited liability
9 company,

10 Defendants.

11 TRAVELERS CASUALTY AND SURETY
12 COMPANY OF AMERICA, a Connecticut
13 corporation,

14 Plaintiff,

15 v.

16 THOMAS E. MARTIN, an individual; DIANE
17 CAROL MARTIN, an individual; THOMAS E.
18 MARTIN, as trustee for the THOMAS E.
19 MARTIN TRUST, established December 26,
20 2002; DIANE CAROL MARTIN, as trustee for
21 the THOMAS E. MARTIN TRUST, established
22 December 26, 2002; BARBERRY LANE, LLC, a
23 California limited liability company; EVAN
24 ESTATES, LLC, a California limited liability
25 company; GV INVESTMENTS, LLC, a
26 California limited liability company;
27 LAKERIDGE COTTAGES, LLC, a California
28 limited liability company; PINE GROVE, LLC, a
California limited liability company;
STEVENSON AVENUE, LLC, a California
limited liability company; TDM
INVESTMENTS, LLC, a California limited
liability company; and DOES 1-20.

Defendants.

Case No. 2:09-CV-02147-JAM-JFM

23 **WHEREAS** Plaintiff TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
24 (“Plaintiff”) has noticed a Motion for Summary Judgment as against Defendants WESTERN SIERRA
25 NATIONAL BANK, WESTERN SIERRA BANCORP, UMPQUA HOLDINGS CORPORATION and
26 UMPQUA BANK (collectively “Umpqua”), which is set for hearing on July 21, 2010 at 9:30 a.m. in
27 Courtroom 6 of the above-captioned court;
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WHEREAS Plaintiff and Umpqua have reached or will soon reach a conditional settlement;

WHEREAS counsel for Plaintiff and Umpqua have met and conferred and agree that withdrawal of Plaintiff's Motion for Summary Judgment without prejudice will allow Plaintiff and Umpqua to continue their efforts to resolve their claims and disputes between them;

WHEREAS if Plaintiff and Umpqua are able to resolve the claims and disputes between them,
the Motion for Summary Judgment would be rendered moot;

THEREFORE, counsel for Plaintiff and Umpqua stipulate that the hearing to July 21, 2010 should be vacated without prejudice to Plaintiff's right to file another Motion for Summary Judgment against Umpqua.

June 24, 2010

/s/ Nicholas A. Merrell
NICHOLAS A. MERRELL
Counsel for Plaintiff TRAVELERS
CASUALTY AND SURETY
COMPANY OF AMERICA

June 24, 2010

/s/ Darrell C. Martin
DARRELL C. MARTIN
Counsel for Defendants WESTERN
SIERRA NATIONAL BANK,
WESTERN SIERRA BANCORP,
UMPQUA HOLDINGS
CORPORATION and UMPQUA
BANK

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ORDER

IT IS HEREBY ORDERED as follows:

1. The hearing on Plaintiff's Motion for Summary Judgment which is currently scheduled for July 21, 2010 is hereby **VACATED**;
2. This order is without prejudice to Plaintiff's right to file another Motion for Summary Judgment against Western Sierra National Bank, Western Sierra Bancorp, Umpqua Holdings Corporation or Umpqua Bank.

DATED: June 24, 2010

/s/ John A. Mendez

JOHN A. MENDEZ

UNITED STATES DISTRICT COURT JUDGE