1 David H. Waters, CAB# 078512 Jack W. Schwartz, Jr., CASB# 124506 2 **BURNHAM BROWN** A Professional Law Corporation 3 P.O. Box 119 Oakland, California 94604 4 1901 Harrison Street, 11th Floor 5 Oakland, California 94612 Telephone: (510) 444-6800 Facsimile: (510) 835-6666 6 Email: dwaters@burnhambrown.com 7 ischwartz@burnhambrown.com 8 Attorneys for Federal Deposit Insurance Corporation as Receiver of Defendant IndyMac Bank, FSB 9 10 UNITED STATES DISTRICT COURT 11 EASTERN DISTRICT OF CALIFORNIA 12 13 VICTORIA MORFIDIS aka VICTORIA No. 2:10-CV-01797-LKK-GGH FLORENTINO, 14 Assigned to The Honorable Lawrence K. 15 Plaintiff. Karlton, Courtroom No. 4 16 ORDER ON EX PARTE APPLICATION TO CONTINUE 17 INDYMAC BANK, an unknown entity; MTC **HEARING ON FEDERAL DEPOSIT** FINANCIAL, INC., dba TRUSTEE CORPS, INSURANCE CORPORATION, AS an unknown entity; BLUE MOUNTAIN RECEIVER FOR DEFENDANT 18 MORTGAGE, LLC, an unknown entity; JIM INDYMAC BANK, FSB'S MOTION TO **DISMISS CLAIMS** 19 BARCEWSKI; LENDING SERVICES, LLC, an unknown entity, SUISUN VALLEY PARTNERS, LLC, an unknown entity; 20 KEVIN BROWNING; MICHAEL FLORENTINO; and DOES 1 through 10, 21 inclusive, 22 Defendants. 23 The Court has reviewed the Ex Parte Application of the Federal Deposit Insurance 24 Corporation as Receiver of Defendant IndyMac Bank, FSB to continue the hearing on its Motion 25 To Dismiss Claims. The subject motion is currently scheduled for hearing on September 13, 26 2010. 27 28

[Proposed] Order On Ex Parte Application To Continue Hearing on FDIC

As Receiver of Def. IndyMac Bank, FSB's Motion To Dismiss Claims

No. 2:10CV01797LKK-GGH

FOR GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT:

The Ex Parte Application of the Federal Deposit Insurance Corporation As Receiver of Defendant IndyMac Bank, FSB to continue the hearing on its Motion To Dismiss Claims is GRANTED.

The September 13, 2010 hearing date on the Motion of the Federal Deposit Insurance Corporation, As Receiver of Defendant IndyMac Bank, FSB's To Dismiss Claims is continued until October 12, 2010 at 10:00 a.m. in Courtroom No. 4 of this Court.

Dated: August 31, 2010

AWRENCE K. KARLTON

SENIOR JUDGE

UNITED STATES DISTRICT COURT

[Proposed] Order On Ex Parte Application To Continue Hearing on FDIC As Receiver of Def. IndyMac Bank, FSB's Motion To Dismiss Claims No. 2:10CV01797LKK-GGH