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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

FEDERAL DEPOSIT INSURANCE CORPORATION as Receiver for INDYMAC BANK, F.S.B.,

Plaintiff,

vs.

RICHARD K. VARRASSO dba Richard Varrasso and Associates and AppraisalTrust.com, an individual; PREMIER VALLEY, INC. dba CENTURY 21 M&M ASSOCIATES, a California corporation; and KAREN BHATTI, an individual,

Defendants,

and

PREMIER VALLEY, INC. dba CENTURY 21 M&M AND ASSOCIATES,

Defendants and Third Party Plaintiffs

vs.

SOPHIE REISIYANNEJAD aka SOPHIE NEJAD, WESTERN INVESTMENT NETWORK, INC., dba ERA THE PROPERTY

Case No. CIV.2:11-2628-WBS-CKD

**STIPULATION AND [PROPOSED] ORDER REGARDING COUNTERCLAIMS OF THIRD PARTY DEFENDANT SOPHIE REISIYANNEJAD FOR INDEMNITY, CONTRIBUTION, AND APPORTIONMENT OF FAULT**

Honorable William B. Shubb  
Trial: April 16, 2013

1 PROFESSIONALS; ANWAR  
2 FRONTAN aka RAY FOROTAN aka  
3 ANWAR FOROTAN, individually and  
4 dba ALPINE MORTGAGE a business  
5 entity form unknown, ONE STOP  
6 REAL ESTATE, INC., a California  
7 corporation, EQUAL PARTNERS  
8 LENDING, INC, a California  
9 corporation, EMMANUEL KIM,  
10 KAY-CO INVESTMENTS, INC dba  
11 PRO30 FUNDING, MARISSA  
12 WEISBLY, JOSIE RICH, ALI  
13 AMIDY and SYLVIA MITRE,

14 Third-Party Defendants.

15 and

16 SOPHIE REISIYANNEJAD AKA  
17 SOPHIE NEJAD

18 Third-Party Defendant and  
19 Counter-Claimant

20 vs.

21 KAREN BHATTI and PREMIER  
22 VALLEY, INC. dba CENTURY 21  
23 M&M AND ASSOCIATES

24 Defendants, Third Party Plaintiffs and  
25 Counter-Defendants

26 IT IS HEREBY STIPULATED and agreed by and between Defendants and Third Party  
27 Plaintiffs KAREN BHATTI and PREMIER VALLEY, INC. dba CENTURY 21 M&M AND  
28 ASSOCIATES (“Third Party Plaintiffs”) and Third Party Defendant and Counter-Claimant  
SOPHIE REISIYANNEJAD aka SOPHIE NEJAD (“Third Party Defendant”) (collectively, the  
“Parties”) as follows:

Whereas, on or about January 14, 2013, Third Party Defendant SOPHIE  
REISIYANNEJAD filed counterclaims for indemnity, contribution, and apportionment of fault  
against Third Party Plaintiffs (Dkt #82);

Whereas, on or about February 5, 2013, Third Party Plaintiffs filed a motion to dismiss the  
counterclaims pursuant to F.R.C.P. 12(b)(6) (Dkt #90);

Whereas, the parties have met and conferred regarding the motion;

Now, therefore, the Parties stipulate and agree as follows:

1. Third Party Defendant agrees to dismiss, without prejudice, the first and second

1 counterclaims against Third Party Plaintiffs for Indemnity and Contribution. Such dismissal does  
2 not preclude Third Party Defendant from re-filing counterclaims for indemnity or contribution  
3 against Third Party Plaintiffs should any other party to this action, either formally or informally,  
4 later assert claims against or seek relief from Third Party Defendant, or in the event Third Party  
5 Defendant settles with any such other party or satisfies all or any part of any judgment thereto  
6 (any such claims presently non-existent but denied if later asserted).

7 2. The third counterclaim for apportionment will not be dismissed.

8 3. The remaining counterclaim for apportionment is deemed denied and answered,  
9 with all affirmative defenses alleged by Third Party Plaintiffs in response to the underlying  
10 complaint in this action deemed preserved with respect to the counterclaim.

11 4. Nothing hereby affects Third Party Defendant's rights at trial relative to its  
12 comparative fault and related affirmative defenses.

13 5. The Parties agree that Third Party Defendant will have 30 days from the date this  
14 Stipulation and Order is approved by the Court to file an amended counterclaim or cross-claim.

15 6. The Parties hereby respectfully request that the Court take the March 11, 2013  
16 hearing on Third Party Plaintiffs' aforesaid Motion to Dismiss off calendar.

17 **IT IS SO STIPULATED.**

18 Dated: February 22, 2013

19 TRIEBSCHE & FRAMPTON

20  
21 By: /s/ Cory B. Chartrand  
Cory B. Chartrand  
Michael G. Dini  
22 Attorneys for Third Party Plaintiffs KAREN  
23 BHATTI and PREMIER VALLEY, INC. dba  
CENTURY 21 M&M AND ASSOCIATES  
24 (As Authorized on February 22, 2013)

25 Dated: February 22, 2013

26 WEYAND LAW FIRM, A Professional Corporation

27 By: /s/ Rebecca M. Hoberg  
Alexander M. Weyand  
28

Rebecca M. Hoberg  
Attorneys for Defendant SOPHIE  
REISIYANNEJAD aka SOPHIE NEJAD  
(As Authorized on February 22, 2013)

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: February 26, 2013



WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

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