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14 Attorneys for Defendants

15 PNC BANK, N.A. and HSBC BANK U.S.A.,

N.A., as Trustee for Luminent Mortgage Trust

16 2007-2 (sued erroneously as "HSBC BANK,

17 U.S.A., N.A.)

18 **UNITED STATES DISTRICT COURT**
19 **EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION**

20 THOMAS A. WEBER and BELINDA G.)
21 WEBER,)

22 Plaintiffs,)

23 v.)

24 PNC BANK, N.A.; HSBC BANK, U.S.A.,)
25 N.A.; and DOES 1 to 100, inclusive,)

26 Defendants.)

Case No.: 2:13-cv-00298 GEB CKD

) **JOINT STIPULATION TO CONTINUE**
) **HEARING ON ORDER TO SHOW CAUSE**
) **RE: PRELIMINARY INJUNCTION AND**
) **[PROPOSED] ORDER**

) Date: April 8, 2013

) Time: 9:00 A.M.

) Place: Courtroom 10, 13th Floor

) Judge: Garland E. Burrell, Jr.

) Date Action Filed: January 14, 2013

1 **JOINT STIPULATION**

2 Defendants PNC BANK, N.A. (“PNC”) and HSBC BANK U.S.A., N.A., as Trustee for
3 Luminent Mortgage Trust 2007-2 (“HSBC”)¹ (collectively “Defendants”) and Plaintiffs
4 THOMAS A. WEBER and BELINDA G. WEBER (collectively “Plaintiffs”), by and through
5 their counsel of record, hereby stipulate and agree as follows:

6 1. WHEREAS, Plaintiffs filed their Complaint on January 14, 2013 in Placer County
7 Superior Court;

8 2. WHEREAS, the underlying issue of this action is Plaintiff’s Civil Code section
9 2923.5 allegation that Defendants did not contact them to discuss possible alternatives to non-
10 judicial foreclosure and to assess their financial situation prior to recording a notice of default
11 against the real property at 8972 Bronson Drive, Granite Bay, California 95746 (“Property”);

12 3. WHEREAS, on January 16, 2013, the Court issued a temporary restraining order
13 temporarily enjoining foreclosure proceedings as to the Property. The Court set a January 29,
14 2013 Order to Show Cause hearing as to Plaintiffs’ request for a preliminary injunction;

15 4. WHEREAS, on January 28, 2013 parties stipulated to continue OSC re
16 preliminary injunction to engage in preliminary settlement negotiations;

17 5. WHEREAS, on February 15, 2013 Defendants removed this action to Federal
18 Court;

19 6. WHEREAS, on February 22, 2013 Parties stipulated to keep the temporary
20 restraining order in effect to allow Defendants sufficient time to respond to request for
21 preliminary injunction;

22 7. WHEREAS, a preliminary injunction hearing is currently set for April 8, 2013;

23 8. WHEREAS, the parties wish to continue to engage in preliminary settlement
24 negotiations that may resolve the case. Both Plaintiffs and Defendants intend to engage in
25 settlement negotiations in good faith;

26 9. WHEREAS, to allow the parties the additional time to engage in the settlement
27 negotiations and process, reduce the costs of litigation for all parties, and unburden the Court’s

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¹ Erroneously sued as HSBC BANK U.S.A., N.A.

1 docket, Plaintiffs and Defendants, by and through their undersigned counsel, agree, stipulate and
2 request that the Court continue the April 8, 2013 Order to Show Cause hearing fourteen (14)
3 days on or after April 22, 2013;

4 10. The parties further agree, stipulate and request that the Court's temporary
5 restraining order remain in effect until the continued Order to Show Cause hearing on April 22,
6 2013.

7 11. This stipulated extension will not result in prejudice to any party and its impact on
8 judicial proceedings is not expected to be significant.

9 Nothing in this stipulation shall constitute a waiver of any arguments or defenses that
10 Plaintiff or Defendants may wish to assert in their pleadings, all of which are expressly reserved.

11
12 Dated: March 26, 2013

RUEHMANN LAW FIRM, P.C.

13
14 /s/ Robin D. Shofner (SBN 272552)

15 Robin D. Shofner, Esq.
16 Attorney for Plaintiffs
17 THOMAS A. WEBER and BELINDA G.
18 WEBER

19 Dated: March 26, 2013

WOLFE & WYMAN, LLP

20
21 /s/ Heather S. Kim (SBN 277686)

22 Brian H. Gunn, Esq.
23 Andrew A. Bao, Esq.
24 Heather S. Kim, Esq.
25 Attorney for Defendants
26 PNC BANK, N.A. and HSBC BANK
27 U.S.A., N.A.

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1 **[PROPOSED] ORDER**

2 The Court having considered the foregoing stipulation, and good cause appearing,

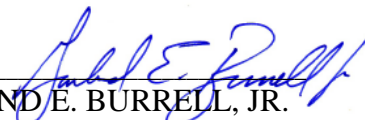
3 **IT IS SO ORDERED** that:

4 1. That the hearing on the OSC re: preliminary injunction for this matter be continued
5 from April 8, 2013 to April 22, 2013, at 9:00 a.m.

6 2. The Temporary Restraining Order shall remain in effect until the hearing on the
7 preliminary injunction occurs.

8 3. **Date: 3/26/2013**

9 4.

10 
11 _____
12 GARLAND E. BURRELL, JR.
13 Senior United States District Judge

14 6.

15 7.

16 8.