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13 Attorneys for Plaintiffs:  
14 THOMAS A. WEBER; and  
15 BELINDA G. WEBER

16  
17 **UNITED STATES DISTRICT COURT**  
18 **EASTERN DISTRICT OF CALIFORNIA**  
19 **SACRAMENTO DIVISION**

17	THOMAS A. WEBER and BELINDA G.	)	Case No.: 2:13-cv-00298-TLN-CKD
18	WEBER,	)	
19	Plaintiffs,	)	<b>STIPULATION FOR FILING OF SECOND</b>
20	v.	)	<b>AMENDED COMPLAINT, DISMISSAL OF</b>
21		)	<b>CAL. CIV. CODE § 2923.5 CLAIM, AND</b>
22	PNC BANK, N.A.; HSBC BANK, U.S.A.,	)	<b>REMOVAL OF MOTION FOR SUMMARY</b>
23	N.A.; and DOES 1 to 100, inclusive,	)	<b>JUDGMENT HEARING FROM</b>
24	Defendants.	)	<b>CALENDAR; ORDER</b>
25		)	Removed: February 15, 2013
26		)	
27		)	

28 **JOINT STIPULATION**

Plaintiffs THOMAS A. WEBER and BELINDA G. WEBER (collectively "Plaintiffs")  
and Defendants PNC BANK, N.A. and HSBC BANK U.S.A., N.A. as Trustee for Luminent

1 Mortgage Trust 2007-2 (collectively, “Defendants”), (collectively “the Parties”) by and through  
2 their counsel of record, hereby stipulate as follows:

3 1. Plaintiffs filed their Complaint on January 14, 2013, in Placer County Superior  
4 Court, Case No.: SCV0032361;

5 2. The underlying issue of this action is the potential foreclosure of the subject  
6 property located at 8972 Bronson Drive, Granite Bay, California 95746 (the “Subject  
7 Property”).

8 3. On February 15, 2013, Defendants filed a Notice of Removal of Action with the  
9 United States District Court, Eastern District of California (Sacramento Division) and the  
10 above-mentioned case was assigned Case No.: 2:13-cv-00298-GEB-CKD.

11 4. On May 30, 2014 Defendants filed a Motion for Summary Judgment to be heard  
12 on July 3, 2014. The Motion for Summary Judgment addressed Plaintiffs’ sole claim for  
13 violation of California Civil Code § 2923.5.

14 5. Plaintiffs seek to file a Second Amended Complaint (SAC) based on allegations  
15 that Defendants violated various California statutes in connection with the modification and  
16 appeal review process for the Subject Loan. These purported violations occurred in May 2014.  
17 (A true and correct copy of the SAC is attached as **Exhibit 1**.) The SAC no longer contains a  
18 cause of action for violation of California Civil Code § 2923.5, which Plaintiffs seek to dismiss  
19 with prejudice. (*Id.*)

20 6. Defendants deny all allegations within the SAC but desire to have all matters  
21 between the Parties litigated fully in the present case.

22 7. The Parties agree by and between their respective attorneys of record that  
23 Plaintiff may file the SAC attached hereto as Exhibit 1.

24 8. The Parties agree by and between their respective attorneys of record that the  
25 California Civil Code § 2923.5 claim will be dismissed with prejudice.

26 9. The Parties agree by and between their respective attorneys of record that the  
27 Motion for Summary Judgment hearing will be rendered moot and should be removed from the  
28 Court’s calendar.

1           10.     This stipulation will not result in prejudice to any party and its impact on judicial  
2 proceedings is not expected to be significant.

3           11.     Nothing in this stipulation shall constitute a waiver of any arguments or defenses  
4 that Plaintiffs or Defendants may wish to assert in their pleadings, all of which are expressly  
5 reserved.

6           IT IS HEREBY STIPULATED by and between the parties hereto through their  
7 respective attorneys of record that Plaintiffs may file a Second Amended Complaint, a copy of  
8 which is attached hereto as Exhibit 1, the California Civil Code § 2923.5 claim is dismissed  
9 with prejudice and the pending Motion for Summary Judgment is moot and should be removed  
10 from the Court’s calendar.

11           IT IS SO STIPULATED.

13 Dated: June 16, 2014

**MOLSBY & BORDNER, LLP**

/s/ Robin D. Shofner  
Robin D. Shofner, Esq.  
Attorney for Plaintiffs  
THOMAS A. WEBER and BELINDA G. WEBER

18 Dated: June 16, 2014

**WOLFE & WYMAN LLP**

/s/ Andrew A. Bao  
Andrew A. Bao, Esq.  
Heather S. Kim, Esq.  
Attorneys for Defendant  
PNC BANK, N.A., and HSBC BANK, U.S.A.,  
N.A.; as Trustee for Luminent Mortgage Trust  
2007-2 (erroneously sued as “HSBC BANK,  
U.S.A., N.A.”)

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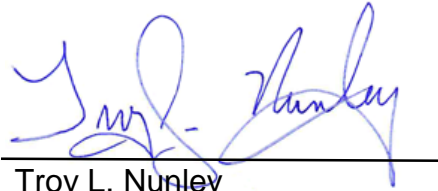
1 **ORDER**

2 The Court having considered the foregoing stipulation, and good cause appearing, IT IS  
3 HEREBY ORDERED that:

4 Plaintiffs may file a Second Amended Complaint, a copy of which is attached hereto as  
5 Exhibit 1, within five (5) days of this Order, the California Civil Code § 2923.5 claim is  
6 dismissed with prejudice and the pending Motion for Summary Judgment is moot and will be  
7 removed from the Court's calendar.

8  
9 IT IS SO ORDERED.

10  
11 Dated: June 16, 2014

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14   
15 Troy L. Nunley  
16 United States District Judge