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7 *Attorneys for Plaintiffs the Paskenta Band of Nomlaki Indians*
8 *and the Paskenta Enterprises Corporation*

9 **UNITED STATES DISTRICT COURT**

10 **EASTERN DISTRICT OF CALIFORNIA**

11 **PASKENTA BAND OF NOMLAKI INDIANS;**
12 **and PASKENTA ENTERPRISES**
13 **CORPORATION,**

14 **Plaintiffs,**

15 v.

16 **INES CROSBY; JOHN CROSBY; LESLIE**
17 **LOHSE; LARRY LOHSE; TED PATA; JUAN**
18 **PATA; CHRIS PATA; SHERRY MYERS;**
19 **FRANK JAMES; UMPQUA BANK; UMPQUA**
20 **HOLDINGS CORPORATION;**
21 **CORNERSTONE COMMUNITY BANK;**
22 **CORNERSTONE COMMUNITY BANCORP;**
23 **JEFFERY FINCK; GARTH MOORE; GARTH**
24 **MOORE INSURANCE AND FINANCIAL**
25 **SERVICES, INC.; ASSOCIATED PENSION**
26 **CONSULTANTS, INC.; HANESS &**
27 **ASSOCIATES, LLC; ROBERT M. HANESS;**
28 **THE PATRIOT GOLD & SILVER**
EXCHANGE, INC.; and NORMAN R. RYAN,

Defendants,

QUICKEN LOANS, INC.; CRP 111 WEST
141ST LLC; CASTELLAN MANAGING
MEMBER LLC.; CRP WEST 168TH STREET
LLC; and CRP SHERMAN AVENUE LLC,

Nominal Defendants.

CASE NO. 2:15-cv-00538-GEB-CMK

STIPULATION AND [PROPOSED]
ORDER FOR RESOLUTION
WITHOUT PREJUDICE OF
CLAIMS AGAINST NOMINAL
DEFENDANTS CRP 111 WEST,
CASTELLAN MANAGING
MEMBER LLC, 141ST LLC, CRP
WEST 168TH STREET LLC, AND
CRP SHERMAN AVENUE LLC

1 WHEREAS, on March 10, 2015, the Paskenta Band of Nomlaki Indians and Paskenta
2 Enterprises Corporation (“Plaintiffs”) filed the Complaint in the instant action;

3 WHEREAS, Plaintiffs subsequently filed a First Amended Complaint (“FAC”) naming
4 CRP 111 West 141st LLC, CRP West 168th Street LLC, CRP Sherman Avenue LLC, and
5 Castellan Managing Member LLC (collectively “CRP Entities”) as Nominal Defendants;

6 WHEREAS, CRP 111 West 141st LLC, CRP West 168th Street LLC, CRP Sherman
7 Avenue LLC are special purpose real estate investment vehicles created by Castellan Managing
8 Member LLC for the purpose of making investments in residential and retail properties in the
9 New York metropolitan area;

10 WHEREAS, neither the Complaint nor the FAC allege any of the CRP Entities engaged,
11 or assisted in, any wrongful conduct;

12 WHEREAS, CRP Entities deny having engaged, or assisted in, any wrongful conduct;

13 WHEREAS, the Complaint and the FAC allege that Defendants John Crosby and Larry
14 Lohse through racketeering activities caused Plaintiffs to loan John Crosby and Larry Lohse
15 \$150,000, each, and allege such loans were unauthorized conversions of Plaintiffs’ money;

16 WHEREAS, the Complaint and FAC further allege that the foregoing loans were used to
17 purchase certain interests in CRP 111 West 141st LLC, CRP West 168th Street LLC, CRP
18 Sherman Avenue LLC (collectively, the “Subject Interests”);

19 WHEREAS, the Complaint and the FAC further allege that Defendants John Crosby and
20 Larry Lohse, in doing so, improperly took for themselves the opportunity to invest in CRP 111
21 West 141st LLC, CRP West 168th Street LLC, CRP Sherman Avenue LLC to which Plaintiffs
22 were lawfully entitled;

23 WHEREAS, the Complaint and the FAC, further allege that Plaintiffs are lawfully
24 owners of the Subject Interests and are entitled to all proceeds, distributions, and other
25 economic benefits related thereto;

26 WHEREAS, the CRP Entities wish to avoid the expenses and uncertainty of litigation;
27 and

28

1 WHEREAS, the undersigned counsel for the CRP Entities has accepted service of the
2 FAC and Summons on behalf of the CRP Entities and has consented to the continuing
3 jurisdiction of this Court for the purposes of the instant matter, including without limitation any
4 action brought to enforce this Order;

5 IT IS HEREBY STIPULATED, by and between Plaintiffs and CRP Entities, by and
6 through their respective counsel, pursuant to Civil Local Rule 143, and subject to approval by
7 the Court, that:

8 1. The CRP Entities shall make no payment related to the Subject Interests, nor
9 allow any payment to be made related to the Subject Interests, to Defendant John Crosby,
10 Defendant Larry Lohse, or any other person, during the pendency of the instant action, unless
11 and until otherwise ordered by the Court. For purposes of clarity, this provision shall not affect
12 or constrain the ability of the CRP Entities to make or allow payments that are unrelated to the
13 Subject Interests.

14 2. All payments related to the Subject Interests that would otherwise have been
15 made by the CRP Entities (collectively, the “Proceeds”) to Defendant John Crosby, Defendant
16 Larry Lohse, or any other person, shall be held in escrow by the CRP Entities and invested in
17 the VANGUARD S&P 500 ETF (ticker: VOO). Neither the CRP Entities nor Castellan shall be
18 liable to any person for any losses, expenses or fees incurred as a result of, or in connection
19 with, such investment of the Proceeds. For purposes of clarity, this provision shall not affect or
20 constrain the actions of the CRP Entities as to any payment that is unrelated to the Subject
21 Interests.

22 3. At the conclusion of the instant action, and to the extent the Court has not
23 previously ordered the payment of some or all of the Proceeds, the CRP Entities shall pay the
24 Proceeds, inclusive of any returns earned through its investment, to the person(s) whom the
25 Court has adjudged the rightful owners of the Subject Interests and/or Proceeds.

26 4. Within ten (10) days of entry of this Order, Plaintiffs shall dismiss the CRP
27 Entities without prejudiced from the instant action.

