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16 IN THE UNITED STATES DISTRICT COURT
 17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18 RIBEIRO-SUNGLLOW, LLC, a Nevada Limited
 Liability Company; and RIBEIRO CALIFORNIA
 19 II, LLC, a Nevada Limited Liability Company,
 20 Plaintiffs,
 21 v.
 22 UMPQUA BANK, a Bank Organized Under the
 Laws of the State of Oregon,
 23 Defendant.
 24

Case No.: 2:15-cv-01853-JAM-AC
**SECOND STIPULATION FOR ORDER TO
 MODIFY PRE-TRIAL SCHEDULING
 ORDER; ORDER
 [FRCP 16(B)(4)]**

THE HONORABLE JOHN A. MENDEZ

25 Plaintiffs RIBEIRO-SUNGLLOW, LLC, a Nevada Limited Liability Company, and RIBEIRO
 26 CALIFORNIA II, LLC, a Nevada Limited Liability Company, and defendant UMPQUA BANK, by and
 27 through their respective undersigned counsel respectfully submit the following Stipulation for Order to
 28 Modify Pre-Trial Scheduling Order and [Proposed] Order pursuant to FRCP 16(b)(4). For good cause as

1 shown herein, the parties seek an extension of 150-days of all remaining deadlines set forth in the
2 Pre-Trial Scheduling Order as delineated, *infra*.

3 WHEREAS, Plaintiffs filed this action to obtain recovery of two parcels of real property situated
4 in El Dorado Hills, California, from Defendant;

5 WHEREAS, Defendant holds title to the two parcels pursuant to a purchase at a trustee's sale held
6 on or about August 15, 2011;

7 WHEREAS, the parties dispute the lawfulness and validity of the trustee's sale which resulted in
8 the transfer of title in the two parcels to Defendant;

9 WHEREAS, Defendant filed a cross-complaint to quiet title in the two parcels to itself;

10 WHEREAS, the Court issued a Pre-Trial Scheduling Order on December 7, 2015;

11 WHEREAS, this case involves complex real estate title issues which bear upon multiple properties
12 and involve varied issues and interests;

13 WHEREAS, Johnny R. Ribeiro is a principal owner in RIBEIRO-SUNGLLOW, LLC;

14 WHEREAS, UMPQUA BANK brought a prior arbitration action against Johnny R. Ribeiro, in his
15 individual capacity and as trustee of the Johnny R. Ribeiro Separate Trust, for breach of contract and for
16 monies had and received pursuant to Johnny R. Ribeiro's personal guarantee of two real estate loans made
17 to Ribeiro-Commerce, LLC, RIBEIRO-SUNGLLOW, LLC, and RIBEIRO CALIFORNIA II, LLC, in
18 which UMPQUA BANK obtained a judgment in the amount of \$7,417,564.42;

19 WHEREAS, the arbitration judgment was entered in the District Court of Clark County, Nevada
20 on November 15, 2013;

21 WHEREAS, the parties are attempting to negotiate a global resolution of this case and the prior
22 judgment;

23 WHEREAS, the parties convened for a settlement meeting on September 7, 2016, and agreed to
24 diligently pursue global resolution of both matters;

25 WHEREAS, in order to provide the parties with additional time to reach a mutually agreeable
26 resolution of these matters, the Court entered an order to modify the Pre-Trial Scheduling Order on
27 September 12, 2016;

28

1 WHEREAS, the success of the agreed plan for global resolution hinged upon unraveling highly
2 complex title issues, performing a thorough examination of Johnny R. Ribeiro’s exceedingly complex
3 financial affairs, and obtaining approval of a proposed global resolution through multiple levels of
4 UMPQUA BANK hierarchy;

5 WHEREAS, the parties were unable to reach a global resolution; however, the parties continued to
6 diligently focus their attention on resolving the current litigation before this Court and ultimately reached
7 a tentative settlement of the current litigation;

8 WHEREAS, the parties drafted a form of settlement agreement that was agreeable to both sides,
9 but contingent upon resolving the title issues referenced above;

10 WHEREAS, the proposed form of settlement agreement called for Defendant to pass title of the
11 property to Plaintiffs via a Grant Deed, but was contingent upon a title company agreeing to the form of
12 Grant Deed and agreeing to insure Plaintiff’s title;

13 WHEREAS, on April 6, 2017, the title company advised that it would not issue a title insurance
14 policy based on the Grant Deed and advised that a rescission of the Trustee’s Deed as to the affected
15 parcels would be a more efficacious means of returning title to Plaintiffs;

16 WHEREAS, the parties need additional time to determine whether rescission of the Trustee’s
17 Deed can be accomplished, the form of the rescission, and if doing so will result in Plaintiffs obtaining the
18 required title insurance;

19 WHEREAS, the parties believe that their resources and attentions are better spent focusing on
20 settlement, rather than preparing for trial, but need to preserve the rights and ability to fully litigate this
21 matter should a trial be necessary; and

22 WHEREAS, good cause exists, the parties seek an order further modifying the remaining dates set
23 forth in the modified Pre-Trial Scheduling Order as follows:

Event	Current Date	New Date
Disclosure of Expert Witnesses	Feb. 13, 2017	June 13, 2017
Supplemental Expert Disclosure	Feb. 27, 2017	June 27, 2017
L/D to File Joint Mid-Litigation Statement	Feb. 27, 2017	June 27, 2017
All Discovery to be Completed	March 6, 2017	July 11, 2017

Event	Current Date	New Date
All Dispositive Motions to Be Filed	April 18, 2017	Aug. 22, 2017
Date for Hearing on all Dispositive Motions	May 16, 2017 (1:30 p.m.)	Sept. 19, 2017 (1:30 p.m.)
L/D to File Joint Pretrial Statement	June 30, 2017	Oct. 27, 2017
Final Pre-Trial Conference	July 7, 2017 (10:00 a.m.)	Nov. 3, 2017 (10:00 a.m.)
Trial	Aug. 28, 2017	Jan. 8, 2018 at 9:00 a.m.

Dated: April 11, 2017

BANKS & WATSON

By: /s/ James J. Banks
 JAMES J. BANKS,
 Attorneys for Plaintiffs
 RIBEIRO-SUNGLOW, LLC, and
 RIBEIRO CALIFORNIA II, LLC

Dated: April 11, 2017

KRAFT OPICH, LLP

By: /s/ Douglas H. Kraft
 DOUGLAS H. KRAFT,
 Attorneys for Defendant UMPQUA BANK

ORDER (AS MODIFIED BY THE COURT)

GOOD CAUSE appearing therefore, SO ORDERED.

DATED: 4/12/2017

/s/ John A. Mendez
 JOHN A. MENDEZ
 United States District Court Judge