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13	SERVICING, LLC, DEUTSCHE BANK	
	TRUST COMPANY, AS TRUSTEE FO	
14	ESTATE CAPITAL TRUST 2005-HE3	MORTGAGE PASS THROUGH
15	CERTIFICATES, SERIES 2005-HE3, M	
1.0	REGISTRATION SYSTEMS, INC., AN	D WESTERN PROGRESSIVE, LLC
16		
17	UNITED STATES	DISTRICT COURT
18	NADELLEDNI DICEDICE	NE CALLEGO MA DIDDELLA
10	NORTHERN DISTRICT C	OF CALIFORNIA- EUREKA
19	CHDISTODHED CENE I XMAAN.	C N CV/110/22
20	CHRISTOPHER GENE LYMAN;	Case No: CV110433
20	JESSICA HELEN O'DANIEL,	STIPULATION TO WITHDRAW
21	Dlaintiffa	CURRENTLY FILED EX PARTE
22	Plaintiffs,	APPLICATION FOR
	VS.	TEMPORARY RESTRAINING
23	SAXON MORTGAGE SERVICES,	ORDER, TO SCHEDULED
24	INC.; OCWEN LOAN SERVICES,	MOTION FOR PRELIMINARY
	LLC; FIRST NLC FINANCIAL	INJUNCTION, AND TO ALLOW
25	SERVICES, LLC; and DOES 1	DEFENDANTS TO FILE
26	through 100, inclusive	RESPONSIVE PLEADINGS TO
20	imough 100, metasive	SECOND AMENDED
27	Defendants.	COMPLAINT
28	Dorondanto.	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

As a matter of convenience to the Court and the parties, Defendant Saxon Mortgage Services, Inc. has its Motion to Dismiss Plaintiffs' Second Amended Complaint scheduled for the same date, time, and location.

COMES NOW Plaintiffs CHRISTOPHER GENE LYMAN and JESSICA HELEN O'DANIEL ("Plaintiffs") and Defendants OCWEN LOAN SERVICING, LLC, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR IXIS REAL ESTATE CAPITAL TRUST 2005-HE3 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-HE3 (erroneously sued as DEUTSCHE BANK NATIONAL TRUST COMPANY), DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR IXIS REAL ESTATE CAPITAL TRUST 2005-HE3 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2005-HE3 (erroneously sued as IXIS REAL ESTATE CAPITAL TRUST 2004-HE3), MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AND WESTERN PROGRESSIVE, LLC ("Defendants") (Defendants and Plaintiffs shall hereinafter collectively be referenced as the "Parties"), through their respective counsel of record herein, hereby agree and stipulate to the following.

- 1. In light of Defendants' representation that the noticed and scheduled trustee sale of real property located at 1956 Clover Drive, Willits, California ("Property") has been postponed to December 9, 2011, Plaintiffs, through their undersigned counsel, hereby WITHDRAW their current *ex parte* application for a temporary restraining order.
- 2. The Parties, through their respective counsel, stipulate and agree that Plaintiffs' motion for a temporary restraining order, and an order to show cause re. issuance of a preliminary injunction, or in the alternative, motion for preliminary injunction, shall be scheduled for hearing, pending this Court's availability, on November 22, 2011 at 10:00 a.m. in Courtroom 205A (2<sup>nd</sup> Floor) of the above entitled Court<sup>1</sup>.

STIPULATION

1	DATED: October 10, 2011 HOUSER & ALLISON				
2	A Professional Corporation				
3	/s/ Jason K. Boss				
4	Eric D. Houser				
5	Jason K. Boss				
6	Attorneys for Defendants OCWEN LOAN SERVICING, LLC, DEUTSCHE				
7	BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR IXIS				
8	REAL ESTATE CAPITAL TRUST 2005-HE3 MORTGAGE PASS				
9	THROUGH CERTIFICATES, SERIES				
10	2005-HE3 (erroneously sued as DEUTSCHE BANK NATIONAL				
11	TRUST COMPANY), DEUTSCHE				
12	BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR IXIS				
13	REAL ESTATE CAPITAL TRUST				
14	2005-HE3 MORTGAGE PASS THROUGH CERTIFICATES, SERIES				
15	2005-HE3 (erroneously sued as IXIS REAL ESTATE CAPITAL TRUST				
16	2004-HE3), MORTGAGE				
17	ELECTRONIC REGISTRATION SYSTEMS, INC., AND WESTERN				
18	PROGRESSIVE, LLC				
19	ORDER				
20					
	Based on the foregoing stipulation of the parties hereto, the above listed				
21 22	dates are hereby accepted by this Court.				
23	Plaintiffs' ex parte application is hereby ordered WITHDRAWN.				
24	Plaintiffs' motion for a temporary restraining order and an order to show				
25					
26	cause hearing regarding issuance of a preliminary injunction, or in the alternative,				
27	motion for preliminary injunction shall be heard on November 22, 2011 at 10:00				
28	a.m. in Courtroom 205A of the above entitled Court.				
	STIPULATION				

Defendants shall have until October 21, 2011 in which to file and serve responsive pleadings and/or a Motion to Dismiss Plaintiffs' Second Amended Complaint. If a Motion to Dismiss is filed by Defendants, it shall be heard on November 22, 2011 at 10:00 a.m. in Courtroom 205A of the above entitled Court. Any opposition to Defendants' Motion to Dismiss shall be filed and served by Plaintiffs by no later than November 1, 2011, and any Reply papers shall be filed and served by no later than November 9, 2011.

## IT IS HEREBY ORDERED AND ADJUDGED.

**DATE:** October 11, 2011

HONORABLE NADOR J. VADAS, UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA, JUDGE

1	PROC	OF OF SERVICE	
2			
3	I am employed in the County of Orange, State of California. I am over the		
4	age of eighteen and not a party to the within action. My business address is 9970		
5	Research Drive, Irvine, California 92618.		
6	On October 11, 2011, I served the following document described as:		
7 8	APPLICATION FOR TEMPORA	DRAW CURRENTLY FILED EX PARTE ARY RESTRAINING ORDER, TO RELIMINARY INJUNCTION, AND TO	
9	11	E RESPONSIVE PLEADINGS TO	
10 11	On the following interested pa	arties in this action:	
12	Christopher James Neary Attorney at Law	Christopher Lee Peterson Pite Duncan, LLP	
13	110 So. Main St., #C	4375 Jutland Drive, Suite 200	
14	Willits, CA 95490	P.O. Box 17935	
15	E-Mail: cjneary@pacific.net  Attorney for Plaintiffs	San Diego, CA 92177-0935 E-Mail: <u>cpeterson@piteduncan.com</u>	
		Attorneys for Saxon Mortgage Services, Inc.	
16	[X] BY ELECTRONIC MAIL	: I transmitted the document(s) listed above	
17	electronically either by e-ma	il or by electronic filing through the CM/EC	
18		sses listed above. I am readily familiar wi system and the United States District Court	
19	CM/ECF System, and the treerror.	ransmission was reported as complete withou	
20		' 1 41 1 C4 II ' 10	
21	I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.		
22			
23	Executed on October 11, 201	1, at Irvine, California.	
24 25		Hole Clauder Kokie Nguyen	
26			
20 27			
<i>- 1</i>			

STIPULATION