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12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT – SAN FRANCISCO DIVISION

14 RICARDO MARCELOS,) Case No.: 08-00056 WHA
)
15 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
) OF DISMISSAL WITH PREJUDICE OF
16 v.) COMMONWEALTH LAND TITLE
) COMPANY, SUCCESSOR-IN-INTEREST TO
17 EDWIN MAURICIO PARADA DOMINGUEZ,) NEW CENTURY TITLE COMPANY, AND
18 GLENDA PARADA, LORENZO PARADA,) VIKI RAAB
19 COUNTRYWIDE HOME LOANS, ARGENT) Fed. R. Civ. P. 41(a)(2)
MORTGAGE COMPANY, LLC, ND)
20 FINANCIAL SERVICES d/b/a/ PRIMESTAR)
FINANCIAL SERVICES, SHOAB MAHMUD,)
21 COMMONWEALTH LAND TITLE)
COMPANY, SUCCESSOR-IN-INTEREST TO)
22 NEW CENTURY TITLE COMPANY,)
RECONTRUST COMPANY, N.A., AND DOES)
23 1 through 100,)
)
24 Defendants.)
)
)
)

26 Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff Ricardo
27 Marcelos (“Plaintiff”) and Defendants Argent Mortgage Company, LLC (“Argent”), and
28 Commonwealth Land Title Company, successor-in-interest to New Century Title Company

1 (“Commonwealth”), by and through their respective counsel, all subject to the approval of this
2 Court, hereby stipulate and agree as follows:

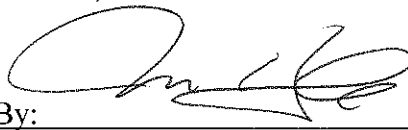
- 3 1. On January 4, 2008, Plaintiff filed his original Complaint (“Complaint”) against
4 Commonwealth and Raab, among other defendants.
- 5 2. On April 25, 2008, Plaintiff dismissed Raab from the action, without prejudice, pursuant to
6 Rule 41(a)(1) of the Federal Rules of Civil Procedure.
- 7 3. On May 12, 2008, Plaintiff filed his First Amended Complaint (“FAC”) in the above-
8 entitled action against Commonwealth, among other defendants.
- 9 4. On July 28, 2008, Commonwealth filed its Answer to the FAC.
- 10 5. On July 28, 2008, Argent filed its Answer to the FAC and also filed its counterclaims
11 against Commonwealth, among other counter-defendants (the “Argent Counterclaims”).
- 12 6. On August 5, 2008, at the parties’ Settlement Conference before the Honorable Edward M.
13 Chen, the parties reached a conditional settlement on the record in the above-entitled action.
- 14 7. On August 15, 2008, Countrywide Home Loans (“Countrywide”) approved of the proposed
15 loan modification to Plaintiff’s loan set forth during the Settlement Conference.
- 16 8. On September 9, 2008, the parties entered into a fully executed Settlement Agreement and
17 Mutual Release (“Settlement Agreement”).

18 Now therefore, based upon the foregoing, the parties hereto stipulate as follows:

- 19 1. Commonwealth is dismissed from the action (including the Argent Counterclaims)
20 with prejudice, each party to bear their own fees and costs.
- 21 2. Because Plaintiff had previously dismissed Raab without prejudice from this action,
22 Raab is now dismissed from the action with prejudice, each party to bear their own fees and costs.

24 DATED: September 16, 2008

LIUZZI, MURPHY & SOLOMON, LLP

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26 By: _____

MICHAEL E. HALE

27 Attorneys for Plaintiff
28 RICARDO MARCELOS

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DATED: September 16, 2008

BUCHALTER NEMER

By: /s/ David M. Liu
DAVID M. LIU

Attorneys for Defendants
COUNTRYWIDE HOME LOANS AND
ARGENT MORTGAGE COMPANY, LLC

DATED: September 16, 2008

SHARTSIS FRIESE LLP

By: /s/ Simone M. Katz
SIMONE M. KATZ

Attorneys for Defendant
COMMONWEALTH LAND TITLE
COMPANY, SUCCESSOR-IN-INTEREST
TO NEW CENTURY TITLE COMPANY

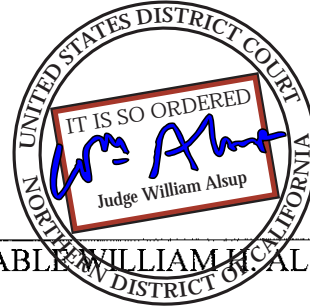
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ORDER

Having read the foregoing stipulation of the Parties, and good cause appearing therefore, it is hereby ordered that Commonwealth Land Title Company, successor-in-interest to New Century Title Company, is dismissed from the action (including the Argent Counterclaims) with prejudice, each party to bear their own fees and costs, and Viki Raab is dismissed from the action with prejudice, each party to bear their own fees and costs.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: September ²⁴__, 2008



HONORABLE WILLIAM H. ALSUP