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6 Attorneys for Defendant
 7 **U.S. FINANCIAL FUNDING, INC.**

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA (San Francisco)

<p>11 DIAN C. LYMBURNER, individually, and on) behalf of others similarly situated,) 12) Plaintiff,) 13) v.) 14) U.S. FINANCIAL FUNDING, INC., a) 15 California corporation, and DOES 1 through 10,) inclusive,) 16) Defendants.) 17)</p>	<p>CASE NO. CV 08-00325 EDL STIPULATION AND [PROPOSED] ORDER REGARDING U.S. FINANCIAL FUNDING INC.'S ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT</p>
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18 WHEREAS, on April 14, 2009, the parties attended a Case Management Conference in the
 19 above-captioned matter;

20 WHEREAS, following the Case Management Conference, the Honorable Judge Elizabeth D.
 21 Laporte, ordered the parties to meet and confer regarding amendment of the complaint, and for
 22 Plaintiff to file an amended complaint no later than May 1, 2009;

23 WHEREAS, on May 1, 2009, Plaintiff filed a Second Amended Class Action Complaint;

24 WHEREAS, Plaintiff and Defendant U.S. Financial Funding, Inc., have agreed that Defendant
 25 shall not be required to answer the Second Amended Class Action Complaint, and that all denials,
 26 responses, and affirmative defenses contained in the answer filed by Defendant to the original
 27 complaint shall be responsive to the Second Amended Class Action Complaint;

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1 IT IS HEREBY AGREED AND STIPULATED by and among the parties, through their
2 respective counsel, that:

3 1. Defendant U.S. Financial Funding, Inc. shall not be required to answer the Second
4 Amended Class Action Complaint, and that all denials, responses, and affirmative defenses contained
5 in the answer filed by Defendant to the original complaint shall be responsive to the Second Amended
6 Class Action Complaint.

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8 IT IS SO STIPULATED.

9 DATED: May____, 2009 LEE & FIELDS, A.P.C.

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13 By _____
14 Christopher P. Fields
15 Attorneys for Plaintiff, Dian C. Lymburner

16 DATED: May____, 2009 LEWIS BRISBOIS BISGAARD & SMITH LLP

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20 By _____
21 Roger S. Raphael
22 Shahram Nassi
23 Attorneys for Defendant, U.S. Financial Funding, Inc.

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[PROPOSED] ORDER

Pursuant to the Stipulation of the parties, IT IS HEREBY ORDERED that:

1. Defendant U.S. Financial Funding, Inc. shall not be required to answer the Second Amended Class Action Complaint, and that all denials, responses, and affirmative defenses contained in the answer filed by Defendant to the original complaint shall be responsive to the Second Amended Class Action Complaint.

IT IS SO ORDERED

Dated: May 28, 2009



1 *Dian C. Lymburner v. U.S. Financial Funding, Inc.*
2 USDC, Northern District, Oakland, Case No. CV 08-0325 EDL

3 **CERTIFICATE OF SERVICE**

4 STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

5 At the time of service, I was over 18 years of age and not a party to the action. My business
6 address is One Sansome Street, Suite 1400, San Francisco, California 94104.

7 On May 26, 2009, I served the following document(s) by E-FILING:

8 **DEFENDANT U.S. FINANCIAL FUNDING INC.'S**
9 **STIPULATION AND [PROPOSED] ORDER REGARDING U. S. FINANCIAL FUNDING**
10 **INC.'S ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT**

11 I served the documents on the following persons at the following addresses (BY E-FILING
12 WITH THE COURT AND PROVIDED e-mail addresses):

13 Christopher P. Fields 14 chrisfields@leefieldslaw.com 15 Edlee@leefields.com , or 16 Efields43@yahoo.com 17 Lee & Fields, A.P.C. 18 3701 Wilshire Blvd., Ste. 510 19 Los Angeles, CA 90010 20 Tel: (213) 380-5858	21 Jeffrey K. Berns, Esq. 22 David M. Arbogast, Esq. 23 jberns@jeffbernsllaw.com 24 darbogast@law111.com 25 Arbogast & Berns LLP 26 19510 Ventura Boulevard, 27 Suite 200 28 Tarzana, CA 91356 Tel: 818/ 961-2000 Fax: 818/ 867-4820	Paul R. Kiesel, Esq. Patrick Deblase, Esq. Michael C. Eyerly, Esq. Kiesel@kbla.com deblase@kbla.com eyerly@kbla.com Cgarcia@kbla.com Kiesel Boucher Larson LLP 8648 Wilshire Boulevard Beverly Hills, CA 90210 Tel: 310/ 854-4444 Fax: 310/ 854-0812
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19 The documents were served by the following means:

20 (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the
21 documents with the Clerk of the Court using the CM/ECF system, which sent notification of
22 that filing to the persons listed above.

23 I declare under penalty of perjury under the laws of the State of California that the above is true
24 and correct.

25 (FEDERAL) I declare that I am employed in the office of a member of the bar of this Court
26 at whose direction the service was made.

27 Executed on May 26, 2009, at San Francisco, California.

28 _____
Arleigh Koulax