

1 JASON A. GELLER CA State Bar #168149
 2 JUAN C. ARANEDA CA State Bar #213041
 3 LONG & LEVIT LLP
 4 465 California Street, Suite 500
 5 San Francisco, CA 94104
 6 TEL: (415) 397-2222 FAX: (415) 397-6392

7 Attorneys for Plaintiffs
 8 FRANK L. DILEONARDO, JR. as trustee of the Frank
 9 L. DiLeonardo, Jr. Trust, and TIMOTHY TATUM, an
 10 individual

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 FRANK L. DILEONARDO, JR. as trustee
 14 of the Frank L. DiLeonardo, Jr. Trust, and
 15 TIMOTHY TATUM, an individual,

16 Plaintiff,

17 vs.

18 JOSEPH FLETCHER, an individual,

19 Defendant.

CASE No. 08 80144 MISC

**STIPULATION FOR CONDITIONAL
 FORBEARANCE OF EXECUTION OF
 JUDGMENT AND TO CONTINUE
 HEARING RE DEFENDANT JOSEPH
 FLETCHER'S APPEARANCE AND
 EXAMINATION AND ORDER THEREON**

20 This Stipulation is made by and among Plaintiffs FRANK L. DILEONARDO, JR.
 21 as trustee of the Frank L. DiLeonardo, Jr. Trust, and TIMOTHY TATUM (collectively
 22 "Plaintiffs"), through their undersigned counsel, and Defendant Joseph Fletcher ("Defendant"), in
 23 propria persona, with respect to the following facts:

24 1. On June 12, 2008, judgment was entered against Defendant in the amount
 25 of \$230,000, plus prejudgment interest, court costs and attorneys' fees incurred in collecting said
 26 amount, in the United States District Court for the Northern District of Illinois (Eastern District),
 27 Case No. 07 C 6617 (the "Judgment"). On July 14, 2008, the Judgment was registered in the
 28 United States District Court for the Northern District of California, Case No. 08 80144 MISC.

2. On October 2, 2008, the United States District Court for the Northern

1 District of California, through the Honorable Elizabeth D. LaPorte, issued an *Order for*
2 *Appearance and Examination* of Defendant. The examination was set for November 4, 2008, at
3 10:00 a.m., in Courtroom E.

4 3. On October 13, 2008, Defendant was personally served with the *Order for*
5 *Appearance and Examination* and a *Subpoena in a Civil Case*, requiring him to appear at the
6 examination set for November 4, 2008, at 10:00 a.m., in Courtroom E, and to produce documents
7 in anticipation of the examination, respectively.

8 NOW THEREFORE, the parties, through their respective attorneys, and for
9 themselves, stipulate as follows:

10 1. Defendant agrees to make payments, via wire transfer to the trust account
11 of Plaintiffs' counsel herein, to satisfy the judgment referenced above, including interest, court
12 costs and attorneys' fees incurred in collecting the judgment pursuant to the following schedule:
13 \$6,000 on November 3, 2008; \$10,000 by December 5, 2008; \$15,000 by January 5, 2009;
14 \$20,000 by February 5, 2009; \$25,000 by March 5, 2009; \$30,000 by April 5, 2009; \$40,000 by
15 May 5, 2009; \$50,000 by June 5, 2009 and the remaining balance on the judgment, including
16 interest, court costs and attorneys' fees incurred in collecting the judgment, by July 5, 2009;

17 2. This stipulation has no effect upon the validity of the Judgment, or any
18 liens or levies served to date in executing on the Judgment, including the accrual of interest or
19 attorneys' fees incurred in collecting the Judgment;

20 3. Plaintiffs shall conditionally forbear their collection efforts on the
21 Judgment, only as long as Defendant continues to make timely payments pursuant to the payment
22 schedule set forth above;

23 4. If Defendant fails to make any timely payment under the above schedule,
24 Plaintiffs shall immediately (without court order) be entitled to resume collection efforts; and

25 5. Plaintiffs and Defendant agree to continue Defendant's debtor examination
26 currently set for November 4, 2008, at 10:00 a.m., in Courtroom E, and his compliance with the
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1 *Subpoena in a Civil Case* to December 23, 2008, or a date thereafter that is convenient for the
 2 Court, and Defendant agrees to personally appear at such continued examination date and to
 3 produce documents requested in the *Subpoena in a Civil Case* served upon him on October 13,
 4 2008, five (5) days before the continued examination date.

6 **SO STIPULATED.**

7 Dated: November 3, 2008

LONG & LEVIT LLP

9 By 

JASON A. GELLER
 Attorneys for Plaintiffs
 FRANK L. DILEONARDO, JR. as
 trustee of the Frank L. DiLeonardo, Jr.
 Trust, and TIMOTHY TATUM, an
 individual

15 Dated: November 3, 2008

JOSEPH FLETCHER

17 By 

JOSEPH FLETCHER
 In Propria Persona

19 **ORDER**

20 PURSUANT TO THE PARTIES STIPULATION, it is hereby ordered as follows:

21 (1) The hearing for the examination of debtor Defendant Joseph Fletcher currently
 22 scheduled for November 4, 2008, at 10:00 a.m., in Courtroom E is continued to
 23 January 6, 2009 at 3:00 PM

24 (2) Defendant Joseph Fletcher shall personally appear at the continued examination
 25 date and shall produce documents requested in the *Subpoena in a Civil Case* served upon him on
 26 October 13, 2008, five (5) days before the continued examination date.

1 (3) Plaintiffs shall conditionally forbear their collection efforts on the Judgment, only
2 as long as Defendant Joseph Fletcher continues to make timely payments pursuant to the payment
3 schedule set forth in the parties' stipulation.

4 (4) If Defendant fails to make any timely payment under the above schedule, Plaintiffs
5 shall immediately (without court order) be entitled to resume collection efforts.

6 (5) The parties' stipulation shall have no effect upon the validity of the Judgment, or
7 any liens or levies served to date in executing on the Judgment, including the accrual of interest
8 or attorneys' fees incurred in collecting the Judgment.

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IT IS SO ORDERED.

Dated: 11/4/08, 2008

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