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6 Attorneys for Defendants
 7 Mortgage Electronic Registration Systems, Inc.;
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 8 Trust Company

9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 DARRELL MCDONALD; FLORA
 13 MCDONALD,

14 Plaintiffs,

15 vs.

16 RESIDENTIAL MORTGAGE
 CAPITAL; NDEX WEST, L.L.C.;
 17 MORTGAGE ELECTRONIC
 REGISTRATION SYSTEMS, INC.
 18 (MERS), a Delaware Corporation;
 FEDERAL DEPOSIT INSURANCE
 19 CORPORATION AS CONSERVATOR
 FOR INDYMAC FEDERAL BANK,
 20 F.S.B., a government agency;
 ONEWEST BANK; DEUTSCHE
 21 BANK NATIONAL TRUST
 COMPANY and DOES 1 THROUGH
 22 10,

23 Defendants.

Case No. 09-CV-1365 MMC

**NOTICE OF SETTLEMENT; ORDER
 THEREON**

24
 25 TO THE COURT AND COUNSEL OF RECORD:

26 This Notice of Settlement is to inform the Court that the parties, through the
 27 aid of the Court-appointed mediator Robin Siefkin, have reached a settlement in
 28 principle that will result in this case being dismissed. The parties are in the process

1 of preparing the necessary documentation regarding this settlement, which involves
2 a modification of the terms of the subject mortgage loan.

3 The parties respectfully request that in light of the above, the Court continue
4 all motions currently scheduled to be heard on August 28, 2009, until a date no
5 earlier than October 9, 2009.

6 This Notice of Settlement was circulated to pro se plaintiffs, counsel for the
7 defendants, and the mediator, for approval before being filed with the Court.

9 Dated: August 19, 2009

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP


By: /s/ - Andrew E. Miller
Andrew E. Miller
Attorneys for Defendants
Mortgage Electronic Registration
Systems, Inc.; OneWest Bank, FSB;
and Deutsche Bank National Trust
Company

ORDER

17 The hearings currently scheduled for August 28, 2009 are hereby CONTINUED to October
18 16, 2009.

19 IT IS SO ORDERED.

20 Dated: August 21, 2009


Maxine M. Chesney
United States District Judge