

1 DAVID J. BERGER [SBN 147645]  
 Dberger@wsgr.com  
 2 WILSON SONSINI GOODRICH & ROSATI  
 Professional Corporation  
 3 650 Page Mill Road  
 Palo Alto, CA 94304  
 4 Telephone: (650) 493-9300  
 Facsimile: (650) 493-6811

5 JENNY L. DIXON [SBN 192638]  
 6 jdixon@swsslaw.com  
 SOLOMON WARD SEIDENWURM & SMITH, LLP  
 7 401 B Street, Suite 1200  
 San Diego, California 92101  
 8 Telephone: (619) 231-0303  
 Facsimile: (619) 231-4755

9 Attorneys for Defendant Irwin Mortgage  
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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

16 FREEDOM MORTGAGE CORPORATION,  
 17 Plaintiff,  
 18 v.  
 19 IRWIN FINANCIAL CORPORATION AND  
 IRWIN MORTGAGE CORPORATION,  
 20 Defendants.  
 21

CASE NO. C 09-01399 MEJ  
**FOURTH STIPULATION AND ORDER TO  
 EXTEND TIME IN WHICH DEFENDANT  
 MUST FILE A RESPONSIVE PLEADING &  
 CONTINUING CMC DATE AND RELATED  
 DATES**

1           WHEREAS, on June 17, 2009, pursuant to the parties' stipulation, the Court entered  
2 an order continuing various deadlines and the Case Management Conference in order for  
3 the parties to pursue settlement discussions;

4           WHEREAS, on July 9, 2009, the parties mediated their disputes before JAMS and  
5 were scheduled to resume mediation on September 30, 2009;

6           WHEREAS, on September 17, 2009, pursuant to the parties' stipulation filed on  
7 September 11, 2009, the Court entered an order continuing various deadlines and the Case  
8 Management Conference in order for the parties to attend the mediation and pursue  
9 settlement discussions;

10           WHEREAS, Irwin Financial Corporation ("Debtor"), defendant in the above-  
11 captioned matter, filed a petition for relief under Chapter 7 of the United States Bankruptcy  
12 Code on September 18, 2009, resulting in an automatic stay in Debtor's favor pursuant to 11  
13 U.S.C. § 362(a) and now has Chapter 7 Counsel, David M. Powlen, Barnes & Thornburg,  
14 LLP, 11 S Meridian St., Indianapolis, IN 46204-3506, (317) 236-1313;

15           WHEREAS, on November 24, 2009, the National Arbitration Forum stayed arbitration  
16 proceedings that involve Freedom Mortgage Corporation ("Freedom") and two other  
17 subsidiaries of Debtor and issues related to this matter pending disposition in the Bankruptcy  
18 Court, and the arbitration is not expected to resume prior to the dates set forth below;

19           WHEREAS, on January 19, 2010, the Court entered an order continuing various  
20 deadlines and the Case Management Conference in light of Debtor's bankruptcy and the  
21 need for defendant, Irwin Mortgage Corporation ("Irwin Mortgage"), a former indirect  
22 subsidiary of Debtor, to work through corporate and operational issues;

23           WHEREAS, Irwin Mortgage is currently scheduled to file its responsive pleading on or  
24 before April 16, 2010;

25           WHEREAS, the ADR Certification and Stipulation to ADR Process or Notice of Need  
26 for ADR Phone Conference ("ADR Material"), the Rule 26(f) Report, initial disclosures, and  
27 Case Management Statement are currently due May 6, 2010;

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1 WHEREAS, the Initial Case Management Conference is currently scheduled for  
2 May 13, 2010 at 10:00 a.m.;

3 WHEREAS, Freedom and Irwin Mortgage are in the process of evaluating the impact  
4 Debtor's bankruptcy has on this proceeding and other legal proceedings;

5 WHEREAS, Freedom and Irwin Mortgage believe that good cause exists for a further  
6 continuance of the foregoing deadlines and Initial Case Management Conference; and

7 NOW, THEREFORE, the parties, by and through their undersigned counsel of record,  
8 hereby agree and stipulate to the following:

9 1. Defendant Irwin Mortgage will file a responsive pleading on or before  
10 June 25, 2010.

11 2. The Rule 26(f) Report, initial disclosures, Case Management Statement and  
12 ADR Material will be served and/or filed on or before July 9, 2010.

13 3. The Initial Case Management Conference currently scheduled for  
14 May 13, 2010 is hereby continued until July 16, 2010, or to such later date as may be  
15 ordered by the Court.

16 DATED: April 16, 2010

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By: /s/ Jason C. Curliano  
JASON C. CURLIANO

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ZUKERMAN GORE BRANDEIS & CROSSMAN, LLP

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JOHN K. CROSSMAN<sup>1</sup>

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Attorneys for Plaintiff Freedom Mortgage  
Corporation

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<sup>1</sup> Application for admission *pro hac vice* pending.

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DATED: April 16, 2010

SOLOMON WARD SEIDENWURM & SMITH, LLP

By: /s/ Jenny L. Dixon  
JENNY L. DIXON

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
DAVID J. BERGER

Attorneys for Defendant Irwin Mortgage  
Corporation

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ORDER

Based upon the above stipulation of the parties, and for good cause appearing therefor, IT IS HEREBY ORDERED THAT:

1. Defendant Irwin Mortgage Corporation will file a responsive pleading on or before June 25, 2010.

2. The Rule 26(f) Report, initial disclosures, Case Management Statement and ADR Material will be served and/or filed on or before July 9, 2010.

3. The Initial Case Management Conference currently scheduled for May 13, 2010 is hereby continued until July <sup>15</sup>~~16~~, 2010, or to such later date as may be ordered by the Court.

DATED: April 19, 2010

  
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Hon. Maria Elena James  
United States Magistrate Judge

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**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Jenny L. Dixon, attest that concurrence in the filing of this document has been obtained from Jason C. Curliano. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 16th day of April, 2010 at San Diego, California.

By: */s/ Jenny L. Dixon*  
JENNY L. DIXON

Attorneys for Defendant Irwin Mortgage Corporation

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**CERTIFICATE OF SERVICE**

I caused the **FOURTH STIPULATION AND ORDER TO EXTEND TIME IN WHICH DEFENDANTS MUST FILE A RESPONSIVE PLEADING & CONTINUING CMC DATE AND RELATED DATES** to be served in the following manner:

**Electronic Mail Notice List**

The following are those who are currently on the list to receive e-mail notices for this case.

**Frank C. Welzer**  
Zukerman Gore & Brandeis LLP  
875 Third Avenue  
28th Floor  
New York, NY 10022  
212-223-6700  
Fax: 212-223-6433  
Email: fwelzer@zgbllp.com

**John K. Crossman**  
Zukerman Gore & Brandeis LLP  
875 Third Avenue  
28th Floor  
New York, NY 10022  
212-223-6700  
Fax: 212-223-6433  
Email: jcrossman@zgbllp.com

**David J. Berger**  
Wilson Sonsini Goodrich & Rosati  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
650-493-9300  
Fax: 650-493-6811  
Email: dberger@wsgr.com

By: /s/ Jenny L. Dixon  
JENNY L. DIXON

Attorneys for Defendant Irwin Mortgage Corporation