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 8 Attorney for Plaintiffs,
 9 STEPHEN and KATHY KELLEY

10
 11 UNITED STATES DISTRICT COURT
 12
 13 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

14 Stephen Kelley
 15 & Kathy Kelley, as individuals

16 Plaintiffs,

17 v.

18 LEHMAN BROTHERS BANK, FSB, A
 19 FEDERAL SAVINGS BANK, CAL-
 20 WESTERN RECONVEYANCE
 21 CORPORATION, AS TRUSTEE, AURORA
 22 LOAN SERVICES, LLC. A Delaware
 23 Corporation, HOMECOMINGS FINANCIAL,
 24 LLC, a Delaware Limited Liability Company,
 25 HOMECOMINGS FINANCIAL NETWORK,
 26 INC., a Delaware Corporation, GMAC
 27 MORTGAGE, LLC., a Delaware Limited
 28 Liability Corporation, MORTGAGE
 ELECTRONIC REGISTRATION SYSTEMS,
 INC., a Delaware Corporation; and DOES 1
 through 100, inclusive,

Defendants.

) Case No.: 3:09-cv-01538-SI

) HON.: SUSAN ILLSTON

) STIPULATION SETTING DATE FOR
) HEARING ON PLAINTIFFS’ MOTION FOR
) PRELIMINARY INJUNCTION;
) ~~[PROPOSED]~~ ORDER

) Complaint Filed: March 24, 2009

) Trial Date: None

29 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs, STEPHEN
 30 and KATHY KELLEY, by and through their attorney MANPREET BAINS, and

1 DEFENDANTS AURORA LOAN SERVICES LLC and AURORA BANK FSB, as represented
2 by JUSTIN D. BALSER, and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
3 INC., represented by Geoff Brethen, and HOMECOMINGS FINANCIAL, LLC and GMAC
4 MORTGAGE, LLC, both represented by Frederick A. Haist:

5 WHEREAS:

- 6
- 7 1. The parties agree that Plaintiffs' motion for a preliminary injunction seeking to enjoin the
8 August 20, 2009 non-judicial foreclosure sale of Plaintiffs' property shall be heard on
9 August 14, 2009 at 9:00 a.m. in Courtroom 10 on the 19th Floor of the above-referenced
10 court to coincide with the hearing on Defendants' motions to dismiss Plaintiffs' First
11 Amended Complaint. The parties agree that Defendants shall have up to and including
12 August 7, 2009 to file their oppositions to Plaintiffs' motion for preliminary injunction.
13 Any joinders to the oppositions shall be filed on or before 5:00 p.m. on August 10, 2009.
- 14
- 15 2. By entering into this stipulation, Defendants do not agree to the issuance of any
16 temporary restraining order or injunction, and this stipulation shall not be deemed to be
17 an injunction against the Defendants' actions in any capacity concerning the Plaintiffs'
18 loan and property.
19

20

21 **IT IS SO STIPULATED.**

22

23 Dated: July 31, 2009

24 /s/ Manpreet Bains
25 MANPREET BAINS,
26 Attorney for Plaintiffs
27 STEPHEN and KATHY KELLEY

28 Dated: July 31, 2009

/s/ Justin D. Balser
JUSTIN D. BALSER

