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10 Attorneys for Plaintiff
11 CAPITAL TRUST, INC.

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **(SAN FRANCISCO DIVISION)**

14 CAPITAL TRUST, INC.,

15 Plaintiff,

16 vs.

17 WALTER R. LEMBI, individually and as
18 trustee of the WALTER AND LINDA LEMBI
19 FAMILY TRUST DATED JUNE 30, 2004;
20 FRANK E. LEMBI, individually and as trustee
21 of the OLGA LEMBI RESIDUAL TRUST
22 CREATED UNDER THE PROVISIONS OF
23 PART THREE OF THE LEMBI FAMILY
24 REVOCABLE TRUST DATED FEBRUARY
25 17, 1984, and as the trustee of the FRANK E.
26 LEMBI'S TRUST DATED FEBRUARY 17,
27 1984; BILLIE SALEVOURIS, individually;
28 BILLIE Z. SALEVOURIS, as trustee for THE
BILLIE SALEVOURIS TRUST DATED
AUGUST 23, 1983 AS RESTATED ON MAY
24, 2002; DAVID M. RAYNAL, individually
and as trustee for the DAVID M. RAYNAL
REVOCABLE TRUST DATED MAY 9, 2002;
RALPH DAYAN, individually and as co-
trustee for the AMENDED AND RESTATED
DAYAN FAMILY REVOCABLE TRUST
DATED DECEMBER 31, 1991,

Defendants.

Case No. C 09-02492 JSW

STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE DEADLINE TO
COMPLETE MEDIATION

Judge: Hon. Jeffrey S. White
Courtroom 11, 19th Flr.

1 By and through their respective counsel of record, the parties to this action hereby
2 stipulate and agree as follows:

3 WHEREAS, pursuant to the Court's August 13, 2010 Civil Minute Order (docket no. 81),
4 the parties were ordered to complete court mediation by December 13, 2010;

5 WHEREAS, a motion to intervene (dkt #84) and two motions for summary judgment (dkt
6 # 85 & 86) (collectively "the Motions") were filed on October 1, 2010, set for hearing on
7 November 5, 2010, and later reset for hearing on December 10, 2010 by stipulation (dkt #96) and
8 order of the Court (dkt #97);

9 WHEREAS, the hearing on the Motions was further continued from December 10, 2010
10 to January 28, 2011, pursuant to the Court's November 24, 2010 Order (dkt # 120);

11 WHEREAS, the parties were scheduled to attend court mediation with Patrick D.
12 Robbins on December 9, 2010, but due to respective scheduling conflicts and difficulties with
13 the December 9, 2010 mediation date, have consulted with the mediator and agreed to postpone
14 the mediation to January 11, 2011.

15 Based on the foregoing, the parties stipulate and agree to attend court mediation on
16 January 11, 2011 and to complete mediation no later than January 28, 2011. The parties
17 respectfully request that the Court continue the deadline to complete mediation to January 28,
18 2011.

19 IT IS SO STIPULATED.

20 DATED: December 10, 2010

KASOWITZ BENSON TORRES & FRIEDMAN LLP

21
22 By: /s/ Margaret A. Ziemianek
Attorneys for Plaintiff
23 CAPITAL TRUST, INC.
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28

1 DATED: December 13, 2010

DUANE MORRIS LLP

2 By: 13/ Phillip K. Wang

3 Phillip K. Wang
4 Attorneys for Plaintiffs-in-Intervention
5 LBUBS2004-C8 BARTLETT STREET LIMITED
6 PARTNERSHIP, LBUBS2004-C8 BAY CLAY
7 LIMITED PARTNERSHIP, LBUBS2004-C8
8 GOUGH STREET LIMITED PARTNERSHIP,
9 LBUBS2004-C8 HYDE STREET LIMITED
10 PARTNERSHIP, LBUBS2004-C8 JOICE STREET
11 LIMITED PARTNERSHIP, LBUBS2004-C8
12 JONES STREET LIMITED PARTNERSHIP,
13 LBUBS2004-C8 LOMBARD STREET LIMITED
14 PARTNERSHIP, LBUBS2004-C8 MASON
15 STREET LIMITED PARTNERSHIP, LBUBS2004-
16 C8 Van Ness Limited Partnership

10 DATED: December 13, 2010.

EDWARD C. SINGER, JR.

11 By: [Signature]

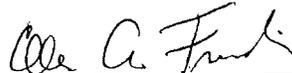
12 Edward C. Singer Jr.
13 Attorneys for Defendants
14 WALTER R. LEMBI, individually and as trustee of
15 the WALTER AND LINDA LEMBI FAMILY
16 TRUST DATED JUNE 30, 2004 and FRANK E.
17 LEMBI, individually and as trustee of the OLGA
18 LEMBI RESIDUAL TRUST CREATED UNDER
19 THE PROVISION OF PART THREE OF THE
20 LEMBI FAMILY REVOCABLE TRUST DATED
21 FEBRUARY 17, 1984 and as the trustee of the
22 FRANK E. LEMBI SURVIVOR'S TRUST DATED
23 FEBRUARY 17, 1984

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DATED: December 13, 2010

FRIEDMAN DUMAS & SPRINGWATER LLP

By: 

Ellen Friedman
Mary Elaine Hammond
Stefanie Ann Elkins
Attorneys for Defendants
BILLIE Z. SALEVOURIS, individually and as trustee for THE BILLIE SALEVOURIS TRUST DATED AUGUST 23, 1983 AS RESTATED ON MAY 24, 2002; DAVID M. RAYNAL, individually and as trustee for the DAVID M. RAYNAL REVOCABLE TRUST DATED MAY 9, 2002; RALPH DAYAN, individually and as co-trustee for the AMENDED AND RESTATED DAYAN FAMILY REVOCABLE TRUST DATED DECEMBER 31, 1991

[PROPOSED] ORDER

IT IS HEREBY ORDERED THAT the December 13, 2010 deadline to complete court mediation is continued to January 11, 2011. If the parties resolve this matter at mediation, they shall notify the Court in advance of the motion hearing set for January 28, 2011.

IT IS SO ORDERED.

Dated: December 13, 2010


Hon. Jeffrey S. White