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5 Attorneys for Plaintiff
 VERITAS-B MEZZ B7, LLC AS SUCCESSOR-IN-
 6 INTEREST TO CAPITAL TRUST, INC.

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 VERITAS-B MEZZ B7, LLC AS
 12 SUCCESSOR-IN-INTEREST TO CAPITAL
 TRUST, INC.,

13 Plaintiff,

14 v.

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

26 Defendants.
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Case No. C 09-02492 JSW

**STIPULATION AND ~~PROPOSED~~
 ORDER TO FURTHER EXTEND
 DATE FOR COMPLETION OF
 MEDIATION AND HEARING DATE
 FOR MOTION FOR SUMMARY
 JUDGMENT**

AS MODIFIED HEREIN

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

1 By and through their respective counsel of record, the parties to this action
2 (hereinafter collectively "Parties") hereby stipulate and agree as follows:

3 WHEREAS, on May 24, 2011, pursuant to stipulation, this Court entered an order
4 re-setting the date for the completion of mediation in the above-referenced matter to September 1,
5 2011, and re-setting the hearing on the pending Motion for Summary Judgment to September 2,
6 2011. At that time, as stated in the Stipulation, plaintiff Veritas-B Mezz B7, LLC ("Veritas")
7 anticipated that pursuant to a business resolution reached by the parties, it would be able to
8 dismiss this matter with prejudice by July 27, 2011.

9 WHEREAS, Veritas still believes that all remaining obligations imposed on the
10 parties pursuant to that business resolution will be accomplished soon so that it can dismiss this
11 action, but was not able to dismiss it by July 27, 2011, because of a problem with the title for the
12 properties at issue. Veritas anticipates this problem will be resolved shortly.

13 WHEREAS, given this delay, the Parties do not object to a further extension of the
14 dates for completion of mediation and the hearing on the Motion for Summary Judgment.

15 THEREFORE:

16 Based on the foregoing, the parties hereby stipulate to and respectfully request that
17 the Court order as follows:

18 1) That the date set for completion of mediation in this matter be further extended
19 to November 1, 2011, and the hearing on the Motion for Summary Judgment be re-set to Friday,
20 November 4, 2011.

21 IT IS SO STIPULATED.

22 Dated: August 1, 2011 STEIN & LUBIN LLP

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24 By: /s/ Julie L. Fieber
25 Julie L. Fieber
26 Attorneys for Veritas-B Mezz B7, LLC, as Successor-In-
27 Interest to Plaintiff Capital Trust, Inc.
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Dated: August 1, 2011

EDWARD C. SINGER JR.

By: /s/ Edward Singer Jr.

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

Dated: August 1, 2011

FRIEDMAN DUMAS & SPRINGWATER LLP

By: /s/ Ellen Friedman

Ellen Friedman
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 RESTED
DAYAN FAMILY REVOCABLE TRUST DATED
DECEMBER 31, 1991

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PROPOSED ORDER

The Court having reviewed the Stipulation and [Proposed] Order to Extend Dates for Completion of Mediation and the hearing date for the remaining pending Motion for Summary Judgment, and good cause appearing therefore:

IT IS HEREBY ORDERED THAT the date set for completion of mediation in this matter be extended to November 1, 2011.

~~IT IS FURTHER ORDERED THAT the hearing on pending Motion for Summary Judgment shall be continued to November 4, 2011, at 9:00 a.m.~~

DATED: August 2, 2011



Hon. Jeffrey S. White

The Court HEREBY TERMINATES the motion for summary judgment (Docket No. 86), without prejudice to Plaintiff seeking a ruling on the motion if the parties are unable to resolve this matter. If that is the case, Plaintiff may re-notice the motion for hearing on an open and available date on this Court's calender, and the parties need not re-file their papers.