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5 Attorneys for Plaintiff  
 6 CAPITAL TRUST, INC.

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10  
 11 CAPITAL TRUST, INC.,

12 Plaintiff,

13 v.

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

26 Defendants.  
 27

Case No. C 09-02492 JSW

**STIPULATION AND ~~PROPOSED~~  
 ORDER REGARDING EXPERT  
 DISCOVERY DEADLINES**

1 WHEREAS, in the Court's Civil Minute Order dated September 18, 2009, it ordered the  
2 parties to submit a stipulation and proposed order regarding deadlines for expert discovery by  
3 September 25, 2009.

4 WHEREAS, although the parties do not anticipate the need for any expert testimony in  
5 this matter, the parties agree that in the event that any party decides to present expert testimony  
6 the disclosure of any testifying expert must comport with Federal Rule of Civil Procedure  
7 ("FRCP") 26(a)(2) and the deadlines set forth therein.

8 THEREFORE, Plaintiff Capital Trust, Inc. ("Capital Trust"), Defendants Walter R.  
9 Lembi, individually and as trustee of the Walter and Linda Lembi Family Trust dated June 30,  
10 2004, and Frank E. Lembi, individually and as trustee of the Olga Lembi Residual Trust created  
11 under the provisions of Part Three of the Lembi Family Revocable Trust dated February 17, 1984,  
12 and as the trustee of the Frank E. Lembi Survivor's Trust dated February 17, 1984, Billie  
13 Salevouris, individually, Billie Z. Salevouris, as trustee for the The Billie Salevouris Trust dated  
14 August 23, 1983 as restated on May 24, 2002, David M. Raynal, individually and as trustee for  
15 the David M. Raynal Revocable Trust dated May 9, 2002, Ralph Dayan, individually and as co-  
16 trustee for the Amended and Restated Dayan Family Revocable Trust dated December 31, 1991  
17 ("Defendants"), and Plaintiffs-in-Intervention LBUBS2004-C8 VAN NESS LIMITED  
18 PARTNERSHIP, LBUBS2004-C8 BAY CLAY LIMITED PARTNERSHIP, LBUBS2004-C8  
19 JONES STREET LIMITED PARTNERSHIP, LBUBS2004-C8 LOMBARD STREET LIMITED  
20 PARTNERSHIP, LBUBS2004-C8 GOUGH STREET LIMITED PARTNERSHIP, LBUBS2004-  
21 C8 BARTLETT STREET LIMITED PARTNERSHIP, LBUBS2004-C8 MASON STREET  
22 LIMITED PARTNERSHIP, LBUBS2004-C8 HYDE STREET LIMITED PARTNERSHIP, and  
23 LBUBS2004-C8 JOICE STREET LIMITED PARTNERSHIP ("Plaintiffs-in-Intervention")  
24 hereby stipulate to the following expert discovery schedule:

- |    |    |  |                |
|----|----|--|----------------|
| 25 | 1. | Last Day to Make FRCP 26(a)(2) Disclosures     | March 30, 2010 |
| 26 | 2. | Last Day to Make FRCP 26(a)(2) Disclosures for | April 29, 2010 |
| 27 |    | Any Rebuttal Expert                            |                |

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3. Close of Expert Discovery

May 30, 2010

This Stipulation and [Proposed] Order Regarding Expert Deadlines is filed electronically by Capital Trust's counsel who hereby attests, in accordance with General Order 45 Section X(B), that Defendants and Plaintiffs-in-Intervention concur in the filing.

Dated: September 25, 2009

FOLGER LEVIN & KAHN LLP

/s/ Nathaniel P. Bualat  
Nathaniel P. Bualat  
Attorneys for Capital Trust, Inc.

Dated: September 25, 2009

LEMBI GROUP LEGAL DEPARTMENT

/s/ Edward C. Singer, Jr.  
Edward C. Singer, Jr.  
Attorneys for Frank E. Lembi and Walter R. Lembi

Dated: September 25, 2009

FRIEDMAN DUMAS & SPRINGWATER LLP

/s/ Ellen A. Friedman  
Ellen A. Friedman  
Attorneys for David Raynal, Billie Z. Salevouris, and  
Ralph Dayan

Dated: September 25, 2009

DUANE MORRIS LLP

/s/ Phillip K. Wang  
Phillip K. Wang  
Attorneys for Plaintiffs-in-Intervention

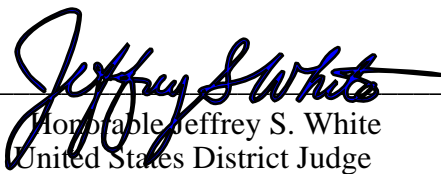
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**ORDER REGARDING EXPERT DISCOVERY**

The Stipulation and [Proposed] Order Regarding Expert Discovery Deadlines is hereby adopted by the Court and the parties are ordered to comply with the expert discovery deadlines contained herein, subject to any modification that may be permitted in the future, upon application to, and approval by, the Court.

**IT IS SO ORDERED.**

Dated: September 25, 2009

  
Honorable Jeffrey S. White  
United States District Judge

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