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10 Attorneys for Plaintiff
11 CAPITAL TRUST, INC.

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

16 CAPITAL TRUST, INC.,

17 Plaintiff,

18 vs.

19 WALTER R. LEMBI, individually and as
20 trustee of the WALTER AND LINDA LEMBI
21 FAMILY TRUST DATED JUNE 30, 2004;
22 FRANK E. LEMBI, individually and as trustee
23 of the OLGA LEMBI RESIDUAL TRUST
24 CREATED UNDER THE PROVISIONS OF
25 PART THREE OF THE LEMBI FAMILY
26 REVOCABLE TRUST DATED FEBRUARY
27 17, 1984, and as the trustee of the FRANK E.
28 LEMBI'S TRUST DATED FEBRUARY 17,
1984; BILLIE SALEVOURIS, individually;
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 HEARING DATE
AND MODIFY BRIEFING SCHEDULES
RE MOTIONS SET FOR HEARING ON
NOVEMBER 5, 2010

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

1 The parties have filed the following motions, all of which are set for hearing on
2 November 5, 2010 before this Court:

3 (1) MOTION to Intervene filed by LBUBS2004-C8 BARTLETT STREET LIMITED
4 PARTNERSHIP, LBUBS2004-C8 BAY CLAY LIMITED PARTNERSHIP,
5 LBUBS2004-C8 GOUGH STREET LIMITED PARTNERSHIP, LBUBS2004-C8
6 HYDE STREET LIMITED PARTNERSHIP, LBUBS2004-C8 JOICE STREET
7 LIMITED PARTNERSHIP, LBUBS2004-C8 JONES STREET LIMITED
8 PARTNERSHIP, LBUBS2004-C8 LOMBARD STREET LIMITED PARTNERSHIP,
9 LBUBS2004-C8 MASON STREET LIMITED PARTNERSHIP, LBUBS2004-C8 Van
10 Ness Limited Partnership (dkt #84)

11 (2) MOTION for Summary Judgment filed by LBUBS2004-C8 BARTLETT
12 STREET LIMITED PARTNERSHIP, LBUBS2004-C8 BAY CLAY LIMITED
13 PARTNERSHIP, LBUBS2004-C8 GOUGH STREET LIMITED PARTNERSHIP,
14 LBUBS2004-C8 HYDE STREET LIMITED PARTNERSHIP, LBUBS2004-C8 JOICE
15 STREET LIMITED PARTNERSHIP, LBUBS2004-C8 JONES STREET LIMITED
16 PARTNERSHIP, LBUBS2004-C8 LOMBARD STREET LIMITED PARTNERSHIP,
17 LBUBS2004-C8 MASON STREET LIMITED PARTNERSHIP, LBUBS2004-C8 Van
18 Ness Limited Partnership (dkt #85)

19 (3) MOTION for Summary Judgment; Memorandum of Points and Authorities in
20 Support filed by Capital Trust, Inc. (dkt # 86)

21 Pursuant to Local Rule L-R 7-3, opposition briefs to these motions must be filed on or
22 before October 15, 2010, and reply briefs must be filed on or before October 22, 2010.

23 Due to the appearance of Kasowitz Benson Torres & Friedman LLP as new counsel for
24 Plaintiff, the parties hereby stipulate and agree to continue the deadlines as follows:

25 (1) Opposition briefs to the above listed motions shall be due on or before November 5,
26 2010;

27 (2) Reply briefs to the above-listed motions shall be due on or before November 19,
28 2010;

(3) the hearing dates on the motions shall be continued to December 3, 2010, or to a
subsequent date convenient to the Court.

IT IS SO STIPULATED.

DATED: October 13, 2010

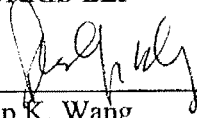
KASOWITZ BENSON TORRES & FRIEDMAN LLP

By: /s/ Margaret A. Ziemianek
Attorneys for Plaintiff
CAPITAL TRUST, INC.

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DATED: October 13th 2010

DUANE MORRIS LLP

By:  _____

Phillip K. Wang
Attorneys for Plaintiffs-in-Intervention
LBUBS2004-C8 BARTLETT STREET LIMITED
PARTNERSHIP, LBUBS2004-C8 BAY CLAY
LIMITED PARTNERSHIP, LBUBS2004-C8
GOUGH STREET LIMITED PARTNERSHIP,
LBUBS2004-C8 HYDE STREET LIMITED
PARTNERSHIP, LBUBS2004-C8 JOICE STREET
LIMITED PARTNERSHIP, LBUBS2004-C8
JONES STREET LIMITED PARTNERSHIP,
LBUBS2004-C8 LOMBARD STREET LIMITED
PARTNERSHIP, LBUBS2004-C8 MASON
STREET LIMITED PARTNERSHIP, LBUBS2004-
C8 Van Ness Limited Partnership

DATED: October 8, 2010

EDWARD C. SINGER, JR.

By: _____
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

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DATED: October 8, 2010

DUANE MORRIS LLP

By:

Phillip K. Wang
Attorneys for Plaintiffs-in-Intervention
LBUBS2004-C8 BARTLETT STREET LIMITED
PARTNERSHIP, LBUBS2004-C8 BAY CLAY
LIMITED PARTNERSHIP, LBUBS2004-C8
GOUGH STREET LIMITED PARTNERSHIP,
LBUBS2004-C8 HYDE STREET LIMITED
PARTNERSHIP, LBUBS2004-C8 JOICE STREET
LIMITED PARTNERSHIP, LBUBS2004-C8
JONES STREET LIMITED PARTNERSHIP,
LBUBS2004-C8 LOMBARD STREET LIMITED
PARTNERSHIP, LBUBS2004-C8 MASON
STREET LIMITED PARTNERSHIP, LBUBS2004-
C8 Van Ness Limited Partnership

DATED: October ¹³ 8, 2010

EDWARD C. SINGER, JR.

By:

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.
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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

1 DATED: October ¹³ 8, 2010

FRIEDMAN DUMAS & SPRINGWATER LLP

2 By: Ellen A. Friedman
3 Mary Elaine Hammond
4 Stefanie Ann Elkins
5 Attorneys for Defendants
6 BILLIE Z. SALEVOURIS, individually and as
7 trustee for THE BILLIE SALEVOURIS TRUST
8 DATED AUGUST 23, 1983 AS RESTATED ON
9 MAY 24, 2002; DAVID M. RAYNAL, individually
10 and as trustee for the DAVID M. RAYNAL
11 REVOCABLE TRUST DATED MAY 9, 2002;
12 RALPH DAYAN, individually and as co-trustee for
13 the AMENDED AND RESTATED DAYAN
14 FAMILY REVOCABLE TRUST DATED
15 DECEMBER 31, 1991

12 **PROPOSED ORDER**

14 IT IS HEREBY ORDERED THAT the November 5, 2010 hearing date on the following
15 motions is hereby VACATED:

16 (1) MOTION to Intervene filed by LBUBS2004-C8 BARTLETT STREET LIMITED
17 PARTNERSHIP, LBUBS2004-C8 BAY CLAY LIMITED PARTNERSHIP,
18 LBUBS2004-C8 GOUGH STREET LIMITED PARTNERSHIP, LBUBS2004-C8
19 HYDE STREET LIMITED PARTNERSHIP, LBUBS2004-C8 JOICE STREET
20 LIMITED PARTNERSHIP, LBUBS2004-C8 JONES STREET LIMITED
21 PARTNERSHIP, LBUBS2004-C8 LOMBARD STREET LIMITED PARTNERSHIP,
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23 PARTNERSHIP, LBUBS2004-C8 GOUGH STREET LIMITED PARTNERSHIP,
24 LBUBS2004-C8 HYDE STREET LIMITED PARTNERSHIP, LBUBS2004-C8 JOICE
25 STREET LIMITED PARTNERSHIP, LBUBS2004-C8 JONES STREET LIMITED
26 PARTNERSHIP, LBUBS2004-C8 LOMBARD STREET LIMITED PARTNERSHIP,
27 LBUBS2004-C8 MASON STREET LIMITED PARTNERSHIP, LBUBS2004-C8 Van
28 Ness Limited Partnership (dkt #85)

25 (3) MOTION for Summary Judgment; Memorandum of Points and Authorities in
26 Support filed by Capital Trust, Inc. (dkt # 86)

27 All three motions shall be heard on December 10, 2010. Opposition briefs shall be
28 filed and served on or before November 5, 2010. Reply briefs shall be filed and served on or

1 before November 19, 2010.

2 IT IS SO ORDERED.

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4 Dated: October 14, 2010


Hon. Jeffrey S. White

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