

1 Peter J. Whalen SBN 130041
 Terrance J. Evans SBN 227671
 2 DUANE MORRIS LLP
 One Market, Spear Tower, Suite 2200
 3 San Francisco, CA 94105-1127
 Telephone: 415.957.3000
 4 Facsimile: 415.957.3001
 E-mail: pjwhalen@duanemorris.com
 5 tjevans@duanemorris.com

6 Attorneys for Defendants
 ADVANTA MORTGAGE CORP. USA,
 7 ADVANTA LIFE INSURANCE COMPANY, and
 ADVANTA NATIONAL BANK
 8

9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 DIVISION OF SAN FRANCISCO

13 CHRISTA P.C. SULLIVAN,

14 Plaintiff,

15 vs.

16 CHASE HOME FINANCE, LLC, CHASE
 BANK USA f/k/a CHASE MANHATTAN
 17 MORTGAGE CORPORATION, CHASE
 MANHATTAN BANK USA, N.A., JP
 18 MORGAN CHASE BANK ADVANTA
 MORTGAGE CORP. USA, ADVANTA
 19 NATIONAL BANK, ADVANTA LIFE
 INSURANCE COMPANY, and SWISS RE
 20 LIFE & HEALTH AMERICA, INC.,

21 Defendants.

) Case No.: 09-cv-02876-SI

)
)
) STIPULATION AND [PROPOSED]
) ORDER TO DISMISS ADVANTA
) MORTGAGE CORP. USA, ADVANTA
) LIFE INSURANCE COMPANY, AND
) ADVANTA NATIONAL BANK WITHOUT
) PREJUDICE

) Fed. R. Civ. P 12(b)(6)

) Judge: Hon. Susan Illston

) Dept.: 10

22
 23
 24 Pursuant to the Federal Rules of Civil Procedure, plaintiff CHRISTA P.C. SULLIVAN
 25 ("Plaintiff"), and defendants ADVANTA MORTGAGE CORP. USA, ADVANTA LIFE
 26 INSURANCE COMPANY, and ADVANTA NATIONAL BANK (collectively, the "Advanta
 27 Entities") by and through their respective attorneys of record, agree and stipulate as follows:
 28

1 1. WHEREAS, on November 8, 2009, Advanta Mortgage Corp. USA (“Advanta
2 Mortgage”) filed a voluntary petition seeking bankruptcy protection under chapter 11 of the
3 Bankruptcy Code (11 U.S.C. §101 et seq.) in the United States Bankruptcy Court for the District of
4 Delaware.

5 2. WHEREAS, pursuant to Bankruptcy Code section 362(a), the filing of the
6 petition, among other things, “operates as a stay, applicable to all entities, of ... the commencement
7 or continuation, including the issuance or employment of process, of a judicial, administrative, or
8 other action or proceeding against the debtor that was or could have been commenced before the
9 commencement of the case under this title, or to recover a claim against the debtor that arose before
10 the commencement of the case under this title...” 11 U.S.C. § 362(a)(1).

11 3. WHEREAS, the automatic stay also prohibits “any act to obtain possession of
12 property of the estate or of property from the estate or to exercise control over property of the
13 estate.” 11 U.S.C. § 362(a)(3).

14 4. WHEREAS, because the claims against Advanta Mortgage are automatically
15 stayed, the Advanta Entities contend that the claims against ADVANTA LIFE INSURANCE
16 COMPANY and ADVANTA NATIONAL BANK should be stayed as well, given the corporate
17 affiliation among the entities and the nature of the claims against them in this action.

18 5. NOW THEREFORE, Plaintiff and the Advanta Entities agree that
19 ADVANTA MORTGAGE CORP. USA, ADVANTA LIFE INSURANCE COMPANY, and
20 ADVANTA NATIONAL BANK should each be dismissed from this action immediately without
21 prejudice.

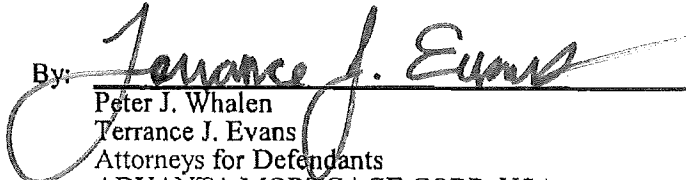
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: January 14, 2010

DUANE MORRIS LLP

By:



Peter J. Whalen
Terrance J. Evans
Attorneys for Defendants
ADVANTA MORTGAGE CORP. USA,
ADVANTA LIFE INSURANCE COMPANY and
ADVANTA NATIONAL BANK

MANNION and LOWE

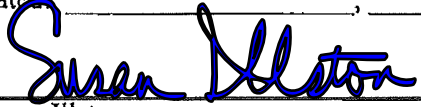
By:



Wesley M. Lowe
Attorneys for Christa P.C. Sullivan

PURSUANT TO STIPULATION, IT SO ORDERED.

Date:



Susan Illston
United States District Court Judge

DM12032987

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

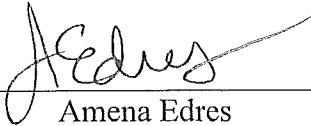
4. Jonh M. Sorich, Esq.
S. Christopher Yoo, Esq.
Adorno Yoss Alvarado & Smith
A Professional Corporation
1 MacArthur Place, Suite 200
Santa Ana, CA 92707

Attorneys for Defendants Chase Home
Finance LLC, et al.

TEL: 714-852-6800/FAX: 714-852-6899

I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct.

Dated: January 15, 2010



Amena Edres