

1 P. CHRISTIAN SCHELEY, ESQ. BAR#: 125493  
 2 PAMELA B. BUMATAY, ESQ. BAR#: 244722  
 3 CLAPP, MORONEY, BELLAGAMBA, VUCINICH,  
 4 BEEMAN & SCHELEY  
 5 A PROFESSIONAL CORPORATION  
 6 1111 Bayhill Drive, Suite 300  
 7 San Bruno, CA 94066  
 8 (650) 989-5400 (650) 989-5499 FAX

9 Attorneys for Defendant,  
 10 IZT MORTGAGE, INC. d/b/a/ AMERITECH MORTGAGE

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 LEHMAN BROTHERS HOLDING, INC.,  
 14 Plaintiff,  
 15 v.  
 16 IZT MORTGAGE, INC. d/b/a/  
 17 AMERITECH MORTGAGE,  
 18 Defendant.

CASE NO.: C09-04060 EMC

**STIPULATION TO CONTINUE INITIAL  
 CASE MANAGEMENT CONFERENCE**

**JURY TRIAL DEMANDED**

**ORDER**

19 IT IS HEREBY STIPULATED by and between the parties, through their counsel of record,  
 20 that due to the unavailability of Defendant IZT MORTGAGE d/b/a/ AMERITECH MORTGAGE, the  
 21 INITIAL CASE MANAGEMENT CONFERENCE currently scheduled for December 9, 2009, in  
 22 Courtroom C, 15<sup>th</sup> Floor, San Francisco, California, at 1:30 shall be continued until ~~January 7, 2009,~~  
 23 or the soonest date thereafter that the Court is available for the Conference to take place.

24 Therefore, other deadlines, including the last day to meet and confer regarding initial  
 25 disclosure, early settlement, ADR process selection, and discovery plan; filing of the ADR  
 26 Certification signed by Parties and Counsel; filing of either the Stipulation to ADR Process or Notice  
 27 of Need for ADR Phone Conference, and the Last day to file Rule 26(f) Report, complete initial  
 28


**STIPULATION TO CONTINUE INITIAL CASE  
 MANAGEMENT CONFERENCE  
 CASE NO.: C09-04060 EMC**

1 disclosures or state objection in Rule 26(f) Report and file Case Management Statement per the  
2 Standing Order regarding Contents of Joint Case Management Statement, shall also be continued  
3 accordingly.

4 This stipulation is accompanied by P. Christian Scheley's declaration setting forth with  
5 particularity, the reasons for the requested enlargement of time; all previous time modifications in the  
6 case; and the effect of the requested time modification on the schedule of the case.


7 DATED: November 17, 2009

CLAPP, MORONEY, BELLAGAMBA  
and VUCINICH

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10 By:   
11 P. CHRISTIAN SCHELEY  
12 Attorney for Defendant,  
13 IZT MORTGAGE d/b/a/ AMERITECH  
14 MORTGAGE

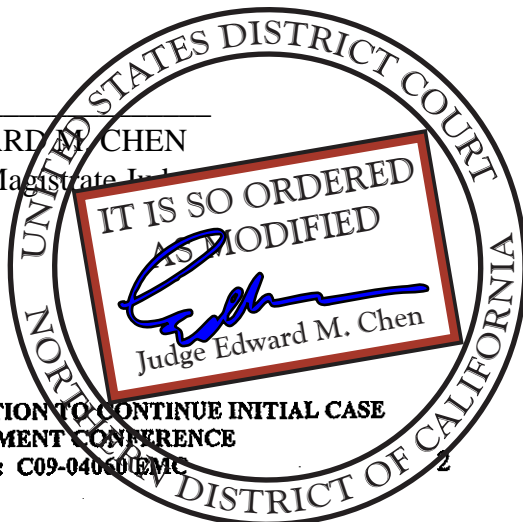
15 DATED: November 17, 2009

REILLY POZNER, LLP

16  
17 By:   
18 MARK T. BAILEY  
19 Pro Hac Vice  
20 Attorney for Plaintiff,  
21 LEHMAN BROTHERS HOLDING, INC.

22 IT IS SO ORDERED that the case management conference is reset from 12/9/09  
23 to 1/6/2010 at 1:30 p.m. A joint CMC statement shall be filed by 12/30/09.

24 EDWARD M. CHEN  
25 U. S. Magistrate Judge



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28 STIPULATION TO CONTINUE INITIAL CASE  
MANAGEMENT CONFERENCE  
CASE NO.: C09-040601EMC

1 P. CHRISTIAN SCHELEY, ESQ. BAR#: 125493  
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9 Attorneys for Defendant,  
10 IZT MORTGAGE, INC. d/b/a/ AMERITECH MORTGAGE

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 LEHMAN BROTHERS HOLDING, INC.,

14 Plaintiff,

15 v.

16 IZT MORTGAGE, INC. d/b/a/  
17 AMERITECH MORTGAGE,

18 Defendant.

CASE NO.: C09-04060 EMC

**DECLARATION OF P. CHRISTIAN  
SCHELEY IN SUPPORT OF  
STIPULATION TO CONTINUE INITIAL  
CASE MANAGEMENT CONFERENCE**

**JURY TRIAL DEMANDED**

19 I, P. CHRISTIAN SCHELEY, declare as follows:

20 1. I am an attorney duly licensed to practice law in the State of California and am a  
21 Partner of Clapp, Moroney, Bellagamba, Vucinich, Beeman & Scheley. I have personal knowledge  
22 of the facts contained in this declaration, and if called as a witness, I could and would competently  
23 testify to such facts. The facts set forth in this declaration are true to my knowledge, except those facts  
24 which are herein stated upon information or belief and to those facts, I believe them to be true.

25 2. Due to illness, my client's Defendant IZT Mortgage Inc., d/b/a Ameritech Mortgage,  
26 were unable to meet and discuss the ADR Certification, Stipulation, and all other information  
27 necessary in preparation for initial disclosures and discovery, and now respectfully ask the court an

28 **DECLARATION OF P. CHRISTIAN SCHELEY IN  
SUPPORT OF STIPULATION TO CONTINUE  
INITIAL CASE MANAGEMENT CONFERENCE  
CASE NO.: C05-01686 CRB**

1 extension of the Case Management Conference, and all other deadlines, be continued accordingly.

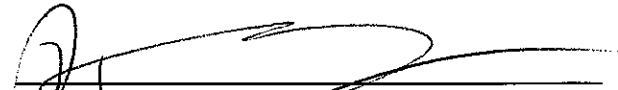
2 3. My office communicated the unavailability of my clients to Mark T. Bailey, counsel  
3 for plaintiff appearing *Pro Hac Vice*, who indicated that he would not oppose, and would stipulate to  
4 a continuance of the initial case management conference date, and all other deadlines accordingly.

5 4. Such a continuance would have no effect on the scheduling of further matters in this  
6 case. In granting said continuance, Defendants can assure that a more meaningful meet and confer  
7 with Plaintiff's counsel will take place.

8 5. Parties have previously stipulated to an extension of time for Defendants to file an  
9 answer to Plaintiff's complaint.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing  
11 is true and correct and based upon my own personal knowledge. If called as a witness I could and  
12 would competently testify thereto.

13 Executed this 17th day of November, 2009 in San Bruno, California.

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15 P. Christian Scheley, Declarant  
16 CLAPP, MORONEY, BELLAGAMBA,  
17 VUCINICH, BEEMAN & SCHELEY

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1 **LEHMAN BROTHERS HOLDINGS, INC. v. IZT MORTGAGE d/b/a/ AMERITECH**  
2 **MORTGAGE**

3 United States District Court, Northern District of California Case No. C09-04060

4 **PROOF OF SERVICE - Civil**

[Code of Civ. Proc. §§ 1011, 1013, 1031a, 2015.5]

5 **METHOD OF SERVICE:**

- 6  By Personal Service       By Mail       By Overnight Delivery  
7  By Messenger Service       By Facsimile       By E-Mail/Electronic Transmission  
8  By Certified Mail/Return Receipt Request      (EFD/USDC)

- 9 1. I am a citizen of the United States and am employed in the County of San Mateo, State of  
10 California. I am over the age of 18 years and not a party to the within action.  
11 2. My place of employment is 1111 Bayhill Drive, Suite 300, San Bruno, CA 94066.  
12 3. On the date set forth below, I caused to be served a true and correct copy of the document(s)  
13 described as:

14 **STIPULATION TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE**  
15 **AND**  
16 **DECLARATION OF P. CHRISTIAN SCHELEY IN SUPPORT OF STIPULATION TO**  
17 **CONTINUE INITIAL CASE MANAGEMENT CONFERENCE**

- 18 4. I served the document on the persons below, as follows:

19 Michael A. Rollin, Esq.  
20 REILLY POZNER, LLP  
21 10833 Wilshire Boulevard, Unite 604  
22 Los Angeles, California 90024  
23 Tel: (310) 425-0922  
24 Fax: (310) 983-6110  
25 E-mail: [mrolling@rplaw.com](mailto:mrolling@rplaw.com)

26 Attys for Plaintiff LEHMAN BROTHERS  
27 HOLDINGS, INC.

28 Mark T. Bailey (*Pro Hac Vice To Be Filed*)  
REILLY POZNER, LLP  
511 Sixteenth Street, Suite 700  
Denver, Colorado 80202  
E-mail: [m Bailey@rplaw.com](mailto:m Bailey@rplaw.com)

Attys for Plaintiff LEHMAN BROTHERS  
HOLDINGS, INC.

- 29 5. The documents were served by the following means (specify):

- 30 a.  **BY PERSONAL SERVICE.** I personally delivered the documents to the  
31 persons at the addresses listed in item 4. (1) For a party represented by an  
32 attorney, delivery was made to the attorney or at the attorney's office by  
33 leaving the documents in an envelope or package clearly labeled to identify  
34 the attorney being served with a receptionist or an individual in charge of the  
35 office. (2) For a party, delivery was made to the party or by leaving the  
36 documents at the party's residence with some person not less than 18 years of  
37 age between the hours of eight in the morning and six in the evening.

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- b.  **BY UNITED STATES MAIL.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 4 and (specify one):
- (1)  deposited the sealed envelope with the United States Postal Services, with the postage fully prepaid.
  - (2)  placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am resident or employed in the County where the mailing occurred. The envelope or package was placed in the mail at San Bruno, California, County of San Mateo.

- c.  **BY OVERNIGHT DELIVERY.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 4. I place the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d.  **BY MESSENGER SERVICE.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 4 and providing them to a professional messenger service for service.
- e.  **BY FAX TRANSMISSION.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 4. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- f.  **BY E-MAIL OR ELECTRONIC TRANSMISSION.** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission (EFD/USDC), I caused the documents to be sent to the persons at the email addresses listed in item 4. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful
- g.  **BY CERTIFIED MAIL/RETURN RECEIPT REQUESTED.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 4 and (specify one):
- (1)  placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's

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practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid for said certified mail/return receipt number (**See attached copies of Certified Mail/Return Receipts Requested.**)

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

(Federal) I declare that I am employed in the offices of a member of the bar of this court at whose direction this service was made. I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 17, 2009 at San Bruno, California.



Pilar Marquez

*Proof of Service - Civil*  
[Code of Civ.Proc. §§ 1011, 1013, 1013a, 2015.5]