

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 AND ORDER TO
CONTINUE TIME TO COMPLETE
MEDIATION AND TO CONTINUE
FURTHER CASE MANAGEMENT
CONFERENCE**

JURY TRIAL DEMANDED

19 IT IS HEREBY STIPULATED by and between the parties, through their counsel of record,
20 that the deadline to complete mediation in this matter be continued until August 20, 2010. It is also
21 hereby stipulated by and between the parties that the further case management conference set for May
22 26, 2010 be continued, continuing all relevant dates in connection with such conference.

23 On January 8, 2010, the Court issued its Case Management and Pretrial Order in this matter.
24 It was ordered that mediation be completed by May 14, 2010. On or about January 27, 2010, Mr.
25 Michael Dickstein was appointed mediator in this matter. A conference was held between the parties
26 and Mr. Dickstein, where the possibility of a more affordable option for mediation was discussed.

27 After the parties had discussed their options, it was agreed upon that a new mediator would

28 **STIPULATION AND ORDER TO CONTINUE TIME
TO COMPLETE MEDIATION AND TO CONTINUE
FURTHER CASE MANAGEMENT CONFERENCE
CASE NO.: C09-04060 EMC**

1 be beneficial considering the financial constraints faced by both parties. After communication and
2 arrangements had been made with the Court's ADR Program Department, a new mediator was
3 appointed on or about March 4, 2010.

4 A conference was held between counsel and newly appointed mediator, Daniel Bowling, on
5 or about March 25, 2010. At said conference, Mr. Bowling expressed that he would be agreeable to
6 move the mediation deadline to a later date, which would also allow the parties to conduct the
7 necessary investigation and discovery necessary for a meaningful mediation.

8 On April 1, 2010, notice was filed with the court setting the mediation hearing in this matter
9 for August 12, 2010, at 10:00 a.m. at the Federal Building, 450 Golden Gate Avenue, San Francisco,
10 CA. The parties stipulate that mediation in this matter will be completed by August 20, 2010.

11 With the mediation hearing now on calendar, it is also stipulated that the further case
12 management conference set in this matter for May 26, 2010, along with all related deadlines to file
13 an updated case management statement, also be continued.

14 Such a continuance would have no known effect on the scheduling of further matters in this
15 case. In granting said continuance, it is expected that a more meaningful mediation and further case
16 management conference will take place.

17 This stipulation is accompanied by Pamela B. Bumtay's declaration setting forth with
18 particularity, the reasons for the requested continuance, all previous time modifications in the case,
19 and the effect of the requested time modification on the schedule of the case.

20 DATED: April 5, 2010

CLAPP, MORONEY, BELLAGAMBA
and VUCINICH

23 By: _____

PAMELA B. BUMTAY
Attorney for Defendant,
IZT MORTGAGE d/b/a/ AMERITECH
MORTGAGE

28 **STIPULATION AND ORDER TO CONTINUE TIME
TO COMPLETE MEDIATION AND TO CONTINUE
FURTHER CASE MANAGEMENT CONFERENCE
CASE NO.: C09-04060 EMC**

1 DATED: April 5, 2010

REILLY POZNER, LLP

3 By: Mark T. Bailey

4 MARK T. BAILEY
5 *Pro Hac Vice*
6 Attorney for Plaintiff,
7 LEHMAN BROTHERS HOLDING, INC.

6 **ORDER:**

7 Mediation in this matter must be completed by August 20, 2010.

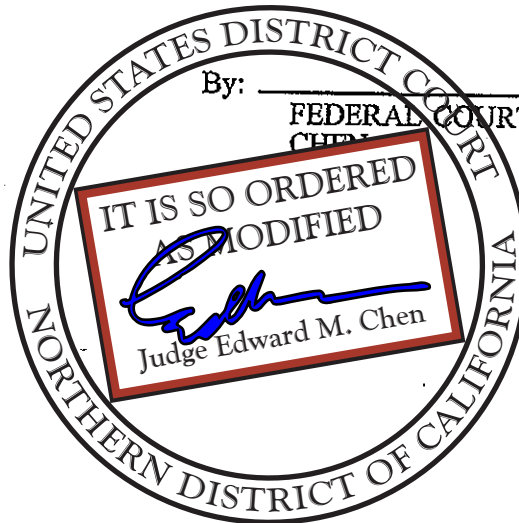
8 A Further Case Management Conference in this matter is set for 9/1/10 at 2:30 p.m.

9 An updated Case Management Conference Statement is due by 8/25/10

11 IT IS SO ORDERED

By: _____

FEDERAL COURT MAGISTRATE JUDGE
CHEN



28 **STIPULATION AND ORDER TO CONTINUE TIME
TO COMPLETE MEDIATION AND TO CONTINUE
FURTHER CASE MANAGEMENT CONFERENCE
CASE NO.: C09-04060 EMC**

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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 PAMELA B.
BUMATAY IN SUPPORT OF
STIPULATION AND ORDER TO
CONTINUE TIME TO COMPLETE
MEDIATION AND TO CONTINUE
FURTHER CASE MANAGEMENT
CONFERENCE**

JURY TRIAL DEMANDED

19 I, PAMELA B. BUMATAY, declare as follows:

20 1. I am an attorney duly licensed to practice law in the State of California and am a
21 Associate 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. On January 8, 2010, the Court issued its Case Management and Pretrial Order in this
26

27 **DECLARATION OF PAMELA B. BUMATAY IN**
28 **SUPPORT OF STIPULATION AND ORDER TO**
CONTINUE TIME TO COMPLETE MEDIATION
AND TO CONTINUE FURTHER CASE
MANAGEMENT CONFERENCE
CASE NO.: C09-04060 EMC

1 matter. It was ordered that mediation be completed by May 14, 2010. On or about January 27, 2010,
2 Mr. Michael Dickstein was appointed mediator in this matter. A conference was held between the
3 parties and Mr. Dickstein, where the possibility of a more affordable option for mediation was
4 discussed.

5 3. After the parties had discussed their options, it was agreed upon that a new mediator would
6 be beneficial considering the financial constraints faced by both parties. After communication and
7 arrangements had been made with the Court's ADR Program Department, a new mediator was
8 appointed on or about March 4, 2010.

9 4. A conference was held between counsel and newly appointed mediator, Daniel Bowling,
10 on or about March 25, 2010. At said conference, Mr. Bowling expressed that he would be agreeable
11 to move the mediation deadline to a later date, which would also allow the parties to conduct the
12 necessary investigation and discovery necessary for a meaningful mediation.

13 5. On April 1, 2010, notice was filed with the court setting the mediation hearing in this matter
14 for August 12, 2010, at 10:00 a.m. at the Federal Building, 450 Golden Gate Avenue, San Francisco,
15 CA. The parties stipulate that mediation in this matter will be completed by August 20, 2010.

16 6. With the mediation hearing now on calendar, it is also stipulated that the further case
17 management conference set in this matter for May 26, 2010, along with all related deadlines to file
18 an updated case management statement, also be continued.

19 7. Such a continuance would have no known effect on the scheduling of further matters in this
20 case. In granting said continuance, it is expected that a more meaningful mediation and further case
21 management conference will take place.

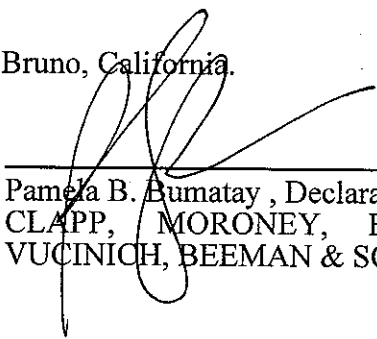
22 8. Parties have previously stipulated for an extension of time for Defendants to file an answer
23 to Plaintiff's complaint, to a continuance of the initial case management conference, and for
24 Defendants to make initial disclosures.

25 I declare under penalty of perjury under the laws of the State of California that the foregoing
26 is true and correct and based upon my own personal knowledge. If called as a witness I could and

27 **DECLARATION OF PAMELA B. BUMATAY IN**
28 **SUPPORT OF STIPULATION AND ORDER TO**
CONTINUE TIME TO COMPLETE MEDIATION
AND TO CONTINUE FURTHER CASE
MANAGEMENT CONFERENCE
CASE NO.: C09-04060 EMC

1 would competently testify thereto.

2 Executed this 5th day of April, 2010, in San Bruno, California.

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5 Pamela B. Bumatay, Declarant
6 CLAPP, MORONEY, BELLAGAMBA,
7 VUCINICH, BEEMAN & SCHELEY

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27 **DECLARATION OF PAMELA B. BUMATAY IN**
28 **SUPPORT OF STIPULATION AND ORDER TO**
CONTINUE TIME TO COMPLETE MEDIATION
AND TO CONTINUE FURTHER CASE
MANAGEMENT CONFERENCE
CASE NO.: C09-04060 EMC

1 **LEHMAN BROTHERS HOLDINGS, INC. v. IZT MORTGAGE d/b/a/**
2 **AMERITECH MORTGAGE**
3 United States District Court, Northern District of California Case No. C09-04060 EMC

4 **PROOF OF SERVICE - Civil**
5 [Code of Civ. Proc. §§ 1011, 1013, 1031a, 2015.5]

6 **METHOD OF SERVICE:**

- 7 ☐ By Personal Service ☐ By Mail ☐ By Overnight Delivery
8 ☐ By Messenger Service ☐ By Facsimile ☒ By E-Mail/Electronic Transmission
9 ☐ By Certified Mail/Return Receipt Request (CM/ECF - USDC)

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

15 **STIPULATION AND ORDER TO CONTINUE TIME TO COMPLETE MEDIATION**
16 **AND TO CONTINUE FURTHER CASE MANAGEMENT CONFERENCE**
17 **AND**
18 **DECLARATION OF PAMELA B. BUMATAY IN SUPPORT OF STIPULATION AND**
19 **ORDER TO CONTINUE TIME TO COMPLETE MEDIATION AND TO CONTINUE**
20 **FURTHER CASE MANAGEMENT CONFERENCE**

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

22 Michael A. Rollin, Esq.
23 REILLY POZNER, LLP
24 10833 Wilshire Boulevard, Suite 604
25 Los Angeles, California 90024
26 Tel: (310) 425-0922
27 Fax: (310) 983-6110
28 E-mail: mrollin@rplaw.com

Attys for Plaintiff LEHMAN BROTHERS
HOLDINGS, INC.

Mark T. Bailey (*Pro Hac Vice*)
REILLY POZNER, LLP
511 Sixteenth Street, Suite 700
Denver, Colorado 80202
Tel: (303) 893-6100
E-mail: m Bailey@rplaw.com

Attys for Plaintiff LEHMAN BROTHERS
HOLDINGS, INC.

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

- ☒ **BY ELECTRONIC TRANSMISSION (CM/ECF SYSTEM):** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission (CM/ECF - 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.

- ☐ **BY ELECTRONIC MAIL.** On the below date prior to **5:00 p.m. PST**, I

1 transmitted the foregoing document(s) by electronic mail, and the transmission was
2 reported as complete and without error. A true and correct copy of the electronic
3 transmission is attached to this declaration. This method of service was made
pursuant to the agreement of counsel.

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

6 Executed on April 6, 2010 at San Bruno, California.

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8 /s/ Pilar Marquez

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