

\*E-Filed 6/17/11\*

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7 Attorneys for Defendants  
 8 **ONEWEST BANK, FSB and**  
 9 **MORTGAGE ELECTRONIC**  
 10 **REGISTRATION SYSTEMS, INC.**

11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 JOHN T. LAWThER,	) Case No. 3-10-CV-00054 SC
	)
14 Plaintiff,	) <b>STIPULATION TO CONTINUE DATE</b>
15 vs.	) <b>OF MEDIATION SESSION;</b>
	) <b>[PROPOSED] ORDER THEREON</b>
16	)
17 ONEWEST BANK, FSB, a federally-	)
18 chartered third; MORTGAGE	)
19 ELECTRONIC REGISTRATION	)
20 SYSTEMS, INC., a California corporation,	)
21 and DOES 1-100, inclusive,	)
	)
22 Defendants.	)
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	)

Complaint filed: March 10, 2010

1                   **TO THE COURT AND ALL PARTIES:**

2                   Whereas on May 20, 2011 the parties, by and through counsel, conferred with  
3 the assigned mediator in this matter, Val Hornstein. The parties tentatively agreed to  
4 hold June 29, 30 and July 1, 2011 with a 10:00 a.m. PST start time for a mediation  
5 session.

6                   Whereas Defendants OneWest Bank, FSB (“OneWest”) and Mortgage  
7 Electronic Registration Systems, Inc. (“MERS”) and Defendant Aztec Foreclosure  
8 Corporation (hereinafter collectively “Defendants”) requested approval to appear via  
9 telephone at the mediation session in order to ease the burden and expense of  
10 appearing at the mediation, but were denied.

11                   Whereas due to the denial of the telephonic appearance, OneWest and MERS  
12 are unable to appear at the currently scheduled date(s) set for mediation due to the fact  
13 that its representatives are otherwise spread thin at various NACA events across the  
14 country.

15                   Whereas Plaintiff’s counsel filed a notice of unavailability for the week of July  
16 25, 2011, and Defendants learned during the course of scheduling the mediation that  
17 Plaintiff’s counsel will be unavailable for the period of July 6, 2011 through August 3,  
18 2011.

19                   Whereas this Court ordered the parties to complete mediation within one  
20 hundred and twenty (120) days of April 5, 2011 (or August 3, 2011); however, based  
21 on the aforementioned scheduling issues the parties are unable to complete mediation  
22 prior to the currently scheduled mediation cut off date.

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1 THEREFORE, the undersigned counsel hereby stipulate and agree as follows:

2 1. The current mediation cut-off date of August 3, 2011 can be continued to  
3 September 9, 2011.

4  
5 DATED: June 16, 2011

FOLEY & MANSFIELD, P.L.L.P.

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7 BY: /s/ Tiffany M. Birkett  
8 Stephen C. Chuck  
9 Tiffany M. Birkett  
10 Attorneys for Defendants  
11 **ONEWEST BANK FSB and**  
12 **MORTGAGE ELECTRONIC**  
13 **REGISTRATION SYSTEMS, INC.**

14 DATED: June 16, 2011

15 /s/ Breyon Davis  
16 Breyon Davis  
17 Attorney for Plaintiff

18 DATED: June 16, 2011

WRIGHT FINLAY & ZAK, LLP

19  
20 /s/ Sonia Plesset  
21 Sonia Plesset  
22 Robin Wright  
23 Attorney for Defendant  
24 Aztec Foreclosure Corporation

25 IT IS SO ORDERED.

26 DATED: 6/17, 2011

27   
28 RICHARD SEEBORG  
U.S. DISTRICT JUDGE