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8 Attorneys for Defendant Federal Deposit Insurance
 Corporation, as Receiver of INDYMAC BANK, FSB
 9

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 JON JON MANUEL, an individual, and
 MARIA VICTORIA MANUEL, an
 13 individual,,

14 Plaintiff, and

15 v.

16 INDYMAC BANK FSB in Receivership of
 FDIC; HSBC BANK USA, NATIONAL
 17 ASSOCIATION, a US Corporation;
 REGIONAL SERVICE CORPORATION, a
 18 California Corporation; LPS DEFAULT
 SOLUTIONS, INC., a Delaware Corporation;
 19 LPS AGENCY SALES AND POSTING,
 INC., a California Corporation; and DOES 1
 20 through 50, inclusive,,

21 Defendants.

No. CV-10-01035 TEH

**STIPULATION CONTINUING DATE
 FOR SUPPLEMENTAL BRIEFING ON
 MOTION TO DISMISS**

Date: October 4, 2010

Time: 10:00 a.m.

Dept: Courtroom 12

Judge: Honorable Thelton E. Henderson

22 By Order dated September 7, 2010, the Court continued Defendant Federal Deposit
 23 Insurance Corporation, as Receiver of IndyMac Bank, FSB's ("*FDIC-Receiver*") Motion to
 24 Dismiss from September 13, 2010 to October 4, 2010, and ordered supplemental briefing to be
 25 submitted by September 15, 2010.

26 IT IS HEREBY STIPULATED by and between the parties, through their counsel of
 27 record, that the supplemental briefing be submitted by September 22, 2010, or September 29,
 28

1 2010, if the latter date is acceptable to the Court, and that the hearing date on the Motion to
2 Dismiss be continued to a later date if the Court wishes, on the following grounds:

3 David H. Waters and Jack W. Schwartz, Jr. of Burnham Brown are the counsel of record
4 for *FDIC-Receiver* in this case. Both Mr. Waters and Mr. Schwartz are booked solid on prior
5 commitments through September 15, 2010, and Mr. Schwartz is further away on a pre-scheduled
6 vacation through September 22, 2010. There are no other attorneys at Burnham Brown with
7 experience in FDIC matters, much less the issues that the Court wishes to be briefed pursuant to
8 its Order re: supplemental briefing.

9 Although Mr. Waters could start work in earnest on the briefing on September 17, 2010,
10 Mr. Schwartz was the attorney who had primary responsibility for drafting the Motion to
11 Dismiss and the Reply and it is preferred that Mr. Schwartz be the attorney who takes the lead
12 on drafting the supplemental brief, and hence the request for the supplemental brief be due
13 September 29, 2010. If that is not feasible, then Mr. Waters will undertake to draft the
14 supplemental brief and file it by September 22, 2010.

15 Mr. Schwartz is currently drafting a post-trial brief in a San Francisco County Superior
16 Court case that is due Friday, September 10, 2010. He is scheduled for three days of witness
17 conferences and depositions in Los Angeles, California, September 13, 14 and 15, 2010, and is
18 devoting the weekend of September 11-12, 2010, to preparation for those depositions.
19 Thereafter, on September 16 through 22, 2010, he is on vacation out-of-state.

20 Mr. Waters must submit a mediation brief in a court-ordered mediation in a Central
21 District of California case, Dubinsky v. Liberty Surplus Insurance Corporation, Case No. CV08-
22 06744 MMM (SHx) that is due on Friday, September 10, 2010, and must appear at the mediation
23 in Los Angeles on Wednesday, September 15, 2010 (the current filing date for the supplemental
24 briefing). He must further participate in another court-ordered mediation in a Northern District
25 of California case, Twin City Fire Insurance Company v. Liberty Surplus Insurance Corporation,
26 Case No. 5:10-CV-0441-RS on September 16, 2010, and the mediation brief for that case must
27 be served Tuesday, September 14, 2010. Just today, September 9, 2010, Mr. Waters discovered
28 that he had been ordered to participate in a settlement conference in San Francisco County

1 Superior Court on Monday, September 13, 2010 at 1:30 p.m. and that he had been ordered to
2 submit a settlement conference statement by Friday, September 10, 2010. Mr. Waters received
3 late notice on both those two orders due to a typographical error in his address in the notice that
4 was sent to him via e-mail.

5 In addition to those court ordered appearances, mediation briefs and settlement
6 conference statement, Mr. Waters had promised two clients that he would provide one client
7 with a written opinion letter, and another client with at least a verbal opinion by Friday,
8 September 10, 2010, the prospects of successfully doing so now has rapidly diminished given
9 the amount of time he devoted to initial research into the issues framed in the court's order
10 requesting the supplemental brief.

11 For the above reasons, neither Mr. Waters nor Mr. Schwartz can devote the requisite
12 amount of time to the issues framed by the Court to file a supplemental brief by September 15,
13 2010, and Mr. Schwartz cannot do so before September 22, 2010.

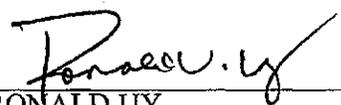
14 Counsel for plaintiffs advised that they likewise do not have sufficient time to address
15 the issues and file a supplemental brief by September 15, 2010, either.

16 IT IS THEREFORE STIPULATED by and between FDIC-Receiver, and plaintiffs,
17 through their respective counsel of record, that a different date for supplemental briefing be
18 established, and the Motion to Dismiss be continued to a later date (should the Court wish to do
19 so in light of the changed date for submitting supplemental briefs).

20 IT IS SO STIPULATED.

21 Dated: September 10, 2010

LAW OFFICE OF UY AND HENRIOULLE

22
23 By: 
24 RONALD UY
25 Attorneys for Plaintiffs JON JON MANUEL
and MARIA VICTOR MANUEL

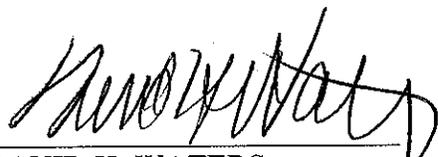
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1 Dated: September 10, 2010

BURNHAM BROWN

2
3
4 By: 
5 DAVID H. WATERS
6 Attorneys for Defendant Federal Deposit
7 Insurance Corporation as Receiver of
8 INDYMAC BANK, FSB

9 ORDER CONTINUING DATE FOR SUBMITTING SUPPLEMENTAL BRIEFS
10 ON MOTION TO DISMISS (AND ORDER CONTINUING HEARING DATE ON
11 MOTION TO DISMISS)

12 GOOD CAUSE APPEARING THEREFOR,

13 IT IS HEREBY ORDERED that the date for supplemental briefing on the issues raised
14 by the Court's September 7, 2010, Order re: supplemental briefing be continued, and that the
15 supplemental briefs shall now be submitted on ~~September 22, 2010~~/September 29, 2010.

16 [If it please the Court: IT IS HEREBY FURTHER ORDERED that the hearing date on
17 Defendant Federal Deposit Insurance Corporation, as Receiver of IndyMac Bank, FSB's
18 Motion to Dismiss be continued from October 4, 2010, to October 18, 2010.

19 SO ORDERED.

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22 Dated: 09/10/10

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