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14 Attorneys for Defendant Federal Deposit Insurance
 15 Corporation, as Receiver of INDYMAC BANK, FSB

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

18 JON JON MANUEL, an individual, and
 19 MARIA VICTORIA MANUEL, an
 20 individual,,
 21

22 Plaintiff, and

23 v.

24 INDYMAC BANK FSB in Receivership of
 25 FDIC; HSBC BANK USA, NATIONAL
 26 ASSOCIATION, a US Corporation;
 27 REGIONAL SERVICE CORPORATION, a
 28 California Corporation; LPS DEFAULT
 SOLUTIONS, INC., a Delaware Corporation;
 LPS AGENCY SALES AND POSTING,
 INC., a California Corporation; and DOES 1
 through 50, inclusive,,
 29

30 Defendants.

No. CV-10-01035 TEH

**STIPULATION WITHDRAWING
 DEFENDANT FEDERAL DEPOSIT
 INSURANCE CORPORATION, AS
 RECEIVER OF INDYMAC BANK,
 FSB'S RE-NOTICED MOTION TO
 DISMISS**

DATE: October 18, 2010
 TIME: 10:00 a.m.
 DEPT: Courtroom 12
 JUDGE: Hon. Thelton E. Henderson

31 IT IS HEREBY STIPULATED by and between Plaintiffs Jon Jon Manuel and Maria
 32 Victoria Manuel, and Defendant Federal Deposit Insurance Corporation, as Receiver for
 33 IndyMac Bank, FSB ("*FDIC-Receiver*"), through their respective counsel of record, as follows:

- 34 1. Plaintiffs and *FDIC-Receiver* are in discussions to reach an agreement whereby

1 *FDIC-Receiver* and IndyMac Bank, FSB would be dismissed as a defendant to this action;

2 2. Plaintiffs and *FDIC-Receiver* wish to fully explore the possibility of reaching
3 agreement under which *FDIC-Receiver* and IndyMac Bank, FSB would be dismissed as a party
4 to the action, before further briefing on issues related to *FDIC-Receiver's* Motion to Dismiss and
5 the hearing on *FDIC-Receiver's* Motion to Dismiss;

6 3. It is therefore agreed by and between Plaintiffs and *FDIC-Receiver* that *FDIC-*
7 *Receiver's* Motion to Dismiss shall be withdrawn, pending either successful resolution and
8 dismissal of *FDIC-Receiver* and IndyMac Bank, FSB as defendants, or a final stalemate in
9 which Plaintiffs and/or *FDIC-Receiver* conclude that an impasse has been reached;

10 4. *FDIC-Receiver* therefore withdraws its Motion to Dismiss, subject to re-filing it
11 should discussions reach an impasse; and

12 5. Should *FDIC-Receiver* re-file its Motion to Dismiss, the parties will furnish the
13 supplemental briefing that is the subject of the Court's September 7, 2010 Order within two
14 weeks of the date that the *FDIC-Receiver's* Motion is re-filed.

15 *FDIC-Receiver* notes that if it and IndyMac Bank, FSB are dismissed as defendants to
16 this action, federal question jurisdiction will no longer exist for this case and it will be subject to
17 remand back to San Mateo County Superior Court.

18 IT IS SO STIPULATED.

19
20 Dated: 9/28, 2010

BURNHAM BROWN

21
22 By: 

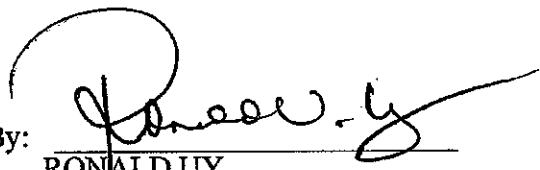
23 JACK W. SCHWARTZ, JR.
24 Attorneys for Defendant Federal Deposit
25 Insurance Corporation as Receiver of both
26 INDYMAC FEDERAL BANK, FSB and
27 INDYMAC BANK, FSB

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Dated: 9/27, 2010

LAW OFFICE OF UY AND HENRIOULLE

By: 
RONALD UY
Attorneys for Plaintiffs JON JON MANUEL
and MARIA VICTOR MANUEL

VACATING HEARING ON FDIC-RECEIVER'S MOTION TO DISMISS

IT IS HEREBY ORDERED the hearing date on *FDIC-Receiver's* Motion to Dismiss, heretofore pending for October 18, 2010, be, and is hereby, vacated.
Should the parties not reach agreement regarding the dismissal of FDIC-Receiver and IndyMac Bank, FSB, they shall appear for a case management conference at 1:30 p.m. on Monday, November 15, 2010, and file a joint case management statement seven (7) calendar days in advance. If the parties do reach agreement, and FDIC-Receiver and IndyMac Bank, FSB, are dismissed as defendants, the case management conference will be VACATED.

Dated: 09/28/10

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