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5 **Attorneys for Defendants**
6 **PNC BANK, NATIONAL ASSOCIATION,**
as successor by merger to NATIONAL
7 **CITY BANK previously dba "NATIONAL**
CITY MORTGAGE"

9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

11 STEVEN YEAGER and MARINA LUNA,

12 Plaintiffs,

13 v.

14 PNC MORTGAGE, a Delaware LLC dba
15 NATIONAL CITY MORTGAGE, and DOES
1 to 25, inclusive,

16 Defendants.

Case No. 3:10-CV-01195 SI

(Sonoma Superior Court No.: SCV 246724)

**STIPULATION AND ORDER
CONTINUING HEARING ON MOTION
TO DISMISS FIRST AMENDED
COMPLAINT AND CASE MANAGEMENT
CONFERENCE IN LIGHT OF PENDING
SETTLEMENT**

W
WOLFE & WYMAN LLP
ATTORNEYS & COUNSELORS AT LAW

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19 **TO ALL PARTIES HEREIN AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD,**
20 **AND TO THE HONORABLE COURT:**

21 This Stipulation is made by and between Plaintiffs STEVEN YEAGER and MARINA
22 LUNA ("Plaintiffs") and Defendant PNC BANK, NATIONAL ASSOCIATION ("PNC") by and
23 through their respective counsel of record. Plaintiffs and PNC agree and stipulate as follows:

- 24 A. The hearing on PNC's motion to dismiss the First Amended Complaint is currently
- 25 set for October 26, 2010.
- 26 B. The Case Management Conference in this matter is also currently scheduled for
- 27 October 26, 2010.

- 1 C. On or about September 28, 2010, Plaintiffs and PNC reached a settlement in principle
- 2 of this matter, subject to the execution of an agreed upon form of release.
- 3 D. On or about September 28, 2010, in light of the settlement in principle, the parties
- 4 agreed that both the hearing on PNC’s motion to dismiss the First Amended
- 5 Complaint and the Case Management Conference should be continued at least two
- 6 months to December 28, 2010 or to a date as soon thereafter as is available with the
- 7 Court, to allow the parties time to complete and execute release language and pursue
- 8 completion of the terms of the anticipated settlement agreement.

9 WHEREFORE, Plaintiffs and PNC agree and stipulate that both the hearing on PNC’s
10 motion to dismiss the First Amended Complaint and the Case Management Conference should be
11 continued at least two months to December 28, 2010 or to a date as soon thereafter as is available
12 with the Court, with all deadlines for related pleadings including but not limited to any case
13 management statements, oppositions or reply briefs reset accordingly.

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15 DATED: September 28, 2010 WOLFE & WYMAN LLP
16
17 By: /s/ Joshua M. Bryan (SBN 225230)
18 STUART B. WOLFE
19 JOSHUA M. BRYAN
20 **ATTORNEYS FOR DEFENDANT**
PNC BANK, NATIONAL ASSOCIATION

21 DATED: September 28, 2010 HENDRICKSON LEGAL SERVICES
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23 By: /s/ John Hendrickson (SBN 257298)
24 JOHN HENDRICKSON
25 **Attorney for Plaintiffs**
STEVEN YEAGER and
26 **MARNIA LUNA**

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ORDER ON STIPULATION

The Court, having reviewed the stipulation of Plaintiffs and PNC BANK, NATIONAL ASSOCIATION (“PNC”), and good cause appearing therefore, ORDERS that both the hearing on PNC’s motion to dismiss the First Amended Complaint and the Case Management Conference are hereby continued to December ~~28, 2010~~¹⁶, with all deadlines for related pleadings including but not limited to any case management statements, oppositions or reply briefs reset accordingly.

IT IS SO ORDERED.

DATED: _____



JUDGE OF THE DISTRICT COURT