

1 KEKER & VAN NEST LLP  
 RACHAEL E. MENY - #178514  
 2 JENNIFER A. HUBER - #250143  
 SARAH B. FAULKNER - #263857  
 3 710 Sansome Street  
 San Francisco, CA 94111-1704  
 4 Telephone: (415) 391-5400  
 Facsimile: (415) 397-7188

5 Attorneys for Plaintiff  
 6 FLAGSTAR BANK, FSB

7  
 8 UNITED STATES DISTRICT COURT  
 9  
 10 NORTHERN DISTRICT OF CALIFORNIA

11 FLAGSTAR BANK, FSB, a Federally  
 12 Chartered Savings Bank,

13 Plaintiff,

14 v.

15 THE LOAN EXPERTS CORPORATION,  
 d/b/a/ ALL AMERICAN FINANCE, a  
 16 California corporation, HORMOZ NAZARI,  
 an individual, ELIZABETH CORTEZ  
 17 PADILLA, an individual, 1350 ESCONDIDO  
 COASTAL, LLC, a California limited liability  
 18 company, WESTLAKE COASTAL, LLC, a  
 California limited liability company, VCH-  
 19 SALINAS 1, LLC, a California limited  
 liability company, ALLSTAR APPRAISALS,  
 20 INC., a California Corporation, JAMES MAY,  
 an individual, STEWART TITLE OF  
 21 CALIFORNIA, a California Corporation,

22 Defendants.  
 23  
 24  
 25  
 26  
 27  
 28

Case No. C 10-03190-CRB

**STIPULATION AND [REDACTED]  
 ORDER OF DISMISSAL OF CERTAIN  
 CLAIMS AGAINST THE LOAN  
 EXPERTS CORPORATION d/b/a  
 ALL AMERICAN FINANCE  
 UNDER FRCP 41(a)(2)**

Judge: Hon. Charles R. Breyer

Date Comp. Filed: Michigan: 1/26/2010  
 USDC/SF: 7/21/2010

Trial Date: None Set

1 **STIPULATION**

2 The undersigned parties, by and through their respective counsel, do hereby stipulate,  
3 pursuant to the terms of the confidential January 11, 2011 Dismissal and Release Agreement  
4 entered into by the parties and as indicated by their signatures below, that Plaintiff Flagstar  
5 Bank’s causes of action against Defendant The Loan Experts Corporation d/b/a All American  
6 Finance (“Loan Experts”) for Fraud (Count VI) and Civil Conspiracy (Count VII) are dismissed  
7 without prejudice. The parties further stipulate that Flagstar Bank’s dismissal of the Fraud  
8 (Count VI) and Civil Conspiracy (Count VII) causes of action against Loan Experts does not  
9 affect any of the parties’ other pending claims, including Flagstar Bank’s other pending claims  
10 against Loan Experts. Flagstar Bank and Loan Experts shall each bear its own costs related to  
11 the Fraud (Count VI) and Civil Conspiracy (Count VII) causes of action.

12 Dated: January 11, 2011

KEKER & VAN NEST LLP

13  
14 By: /s/ Rachael E. Meny  
15 RACHAEL E. MENY  
16 Attorneys for Plaintiff  
FLAGSTAR BANK, FSB

17 Dated: January 10, 2011

HORAN LLOYD LAW OFFICES

18  
19 By: /s/ Elizabeth C. Gianola  
20 ELIZABETH C. GIANOLA  
21 Attorneys for Defendant  
22 THE LOAN EXPERTS CORPORATION  
d/b/a ALL AMERICAN FINANCE

23 [Concurrence Obtained General Order 45 § X.B]

24 **FILER’S ATTESTATION**

25 I, Rachael E. Meny, the filer of this document, hereby attest that concurrence in the filing  
26 of this document has been obtained from each signatory hereto.

27 Dated: January 11, 2011

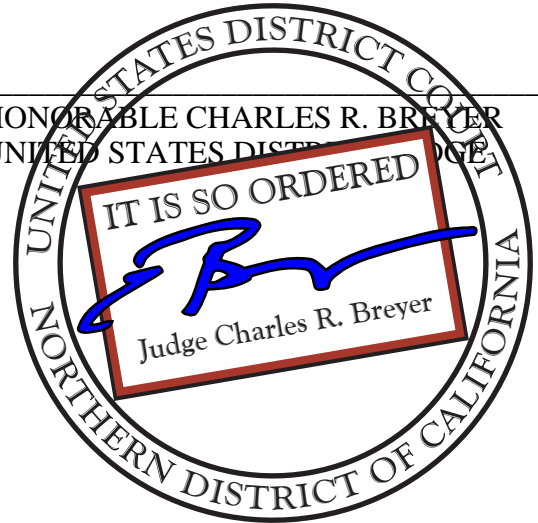
By: /s/ Rachael E. Meny  
RACHAEL E. MENY

[PROPOSED] ORDER

Based on the above Stipulation of the Parties, IT IS SO ORDERED.

Dated: January 11, 2011

HONORABLE CHARLES R. BREYER  
UNITED STATES DISTRICT COURT



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28