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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FLAGSTAR BANK, FSB,  
  
Plaintiff,  
  
v.  
  
THE LOAN EXPERTS CORP., d/b/a ALL  
AMERICAN FINANCE, *et al.*,  
  
Defendants.

Case No. C 10-03190 EDL

**ORDER AND STIPULATION  
EXTENDING TIME FOR FLAGSTAR'S  
OPPOSITION TO 1350 ESCONDIDO  
COASTAL'S AND WESTLAKE  
COASTAL'S MOTION TO DISMISS, OR  
ALTERNATIVELY, TO TRANSFER  
VENUE REGARDING FLAGSTAR'S  
COMPLAINT**

Judge: Hon. Elizabeth D. Laporte  
  
Date Comp. Filed: Michigan: 1/26/2010  
USDC/SF: 7/21/2010  
  
Trial Date: TBA

1           WHEREAS, Flagstar’s complaint against defendants was originally filed in Michigan  
2 State Court and then removed to the Eastern District of Michigan;

3           WHEREAS, on June 3, and June 7, 2010, Flagstar and defendants 1350 Escondido  
4 Coastal LLC and Westlake Coastal LLC (hereinafter jointly referred to as the  
5 “Escondido/Westlake Defendants”) stipulated to extend the Escondido/Westlake Defendants’  
6 time to respond to Flagstar’s complaint and Judge Cohn in the Eastern District of Michigan  
7 entered these stipulations as orders;

8           WHEREAS, on June 16, 2010, the Escondido/Westlake Defendants filed a Motion to  
9 Dismiss, or Alternatively, to Transfer Venue regarding Flagstar’s complaint (“Motion to  
10 Dismiss”);

11           WHEREAS, on June 30, 2010, Flagstar and the Escondido/Westlake Defendants  
12 stipulated to extend Flagstar’s time to respond to the Escondido/Westlake Defendants’ Motion to  
13 Dismiss to July 21, 2010 and Judge Cohn in the Eastern District of Michigan entered this  
14 stipulation as an order;

15           WHEREAS, on July 15, 2010, Judge Cohn in the Eastern District of Michigan granted  
16 certain defendants’ motion to transfer venue and ordered that this action be transferred to the  
17 Northern District of California;

18           WHEREAS, Flagstar’s Michigan counsel and the Escondido/Westlake Defendants’  
19 Michigan counsel previously agreed that Flagstar’s response to the Escondido/Westlake  
20 Defendants’ Motion to Dismiss would be due two weeks after the transferred case was accepted  
21 by the Northern District of California;

22           WHEREAS, the parties understand that the Northern District of California accepted this  
23 action on July 21, 2010;

24           WHEREAS, this Court set its initial case management conference to occur on November  
25 2, 2010;

26           WHEREAS, Judge Cohn’s July 15, 2010 decision did not entirely resolve the  
27 Escondido/Westlake Defendants’ previously filed Motion to Dismiss;

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1 WHEREAS, Flagstar's and the Escondido/Westlake Defendants' counsel have met and  
2 conferred to determine what portions of their previously filed Motion to Dismiss remain at issue  
3 and the Escondido/Westlake Defendants provided Flagstar with final confirmation on this issue  
4 on August 5, 2010;

5 WHEREAS, extending the deadline for Flagstar to respond to this Motion to Dismiss will  
6 not change any currently set hearing dates because this Court has not yet set a hearing date for  
7 the Escondido/Westlake Defendants' Motion to Dismiss;

8 WHEREAS, the parties seek this extension of time pursuant to Local Rules 6-1 and 6-2  
9 because Flagstar and the Escondido/Westlake Defendants have each been working towards  
10 obtaining California-based counsel for this action;

11 WHEREAS, the parties seek this extension of time pursuant to Local Rules 6-1 and 6-2  
12 because Flagstar recently determined that its California counsel for this action will be Keker &  
13 Van Nest LLP and Flagstar is now in process of retaining Keker & Van Nest LLP;

14 WHEREAS, the parties seek this extension of time pursuant to Local Rules 6-1 and 6-2  
15 because Flagstar's lead California lawyer for this action, Rachael Meny of Keker & Van Nest,  
16 will be on vacation from August 6, 2010 until August 24, 2010;

17 NOW, THEREFORE, THE PARTIES STIPULATE AS FOLLOWS, SUBJECT TO THE  
18 COURT'S APPROVAL:

19 1. Flagstar will serve its opposition papers regarding the Escondido/Westlake  
20 Defendants' Motion to Dismiss on August 25, 2010.

21 2. The Escondido/Westlake Defendants will serve their reply papers regarding the  
22 Escondido/Westlake Defendants' Motion to Dismiss on September 15, 2010.

23 3. The parties request that the Court schedule argument regarding the  
24 Escondido/Westlake Defendants' Motion to Dismiss thereafter, on any date other than  
25 September 28, 2010.

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DATED: August 5, 2010

KEKER & VAN NEST, LLP

By: \_\_\_\_\_/s/  
RACHAEL E. MENY

Attorneys for Plaintiff Flagstar Bank, FSB

DATED: August 5, 2010

ENGLISH & GLOVEN


By: \_\_\_\_\_/s/  
JEFFREY E. FLYNN

Attorneys for Defendants 1350 Escondido  
Coastal LLC and Westlake Coastal LLC

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED. The hearing on the  
Escondido/Westlake Defendants' Motion to Dismiss shall be held on October 5, 2010 at 9:00 a.m.

Dated: August 9, 2010

  
\_\_\_\_\_ /s/  
HON. ELIZABETH D. LAPORTE  
UNITED STATES MAGISTRATE