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6 Attorneys for Defendants PRIVATE NATIONAL MORTGAGE ACCEPTANCE COMPANY,
 7 LLC; CITIBANK, NA; CITIMORTGAGE, INC.; CR TITLE SERVICES, INC.; and
 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
 8

9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 JOHN M. CALDWELL, an individual;
 MARY F. CALDWELL, an individual,

12 Plaintiffs,

13 v.

14 NORTHERN PACIFIC MORTGAGE
 15 CORPORATION, a California corporation;
 TRACEY S. WARNER, an individual;
 16 CITIBANK NA, a Business Entity, form
 unknown; INVESTORS TRUST
 17 MORTGAGE INVESTMENT COMPANY
 INC., a California corporation; FIRST
 18 AMERICAN TITLE COMPANY, a California
 Corporation; COMMONWEALTH LAND
 19 TITLE CO., a California Corporation;
 FIDELITY NATIONAL TITLE INSURANCE
 20 COMPANY dba LSI, an Arizona corporation;
 VERDUGO TRUSTEE SERVICE
 21 CORPORATION, a California corporation;
 MORTGAGE ELECTRONIC
 22 REGISTRATION SYSTEMS, a Delaware
 corporation; CITIMORTGAGE, INC., a New
 23 York corporation; PRIVATE NATIONAL
 MORTGAGE ACCEPTANCE COMPANY,
 24 LLC, a Delaware limited liability corporation;
 CR TITLE SERVICES, INC., a Delaware
 25 corporation; STEWART TITLE OF CA., a
 California corporation; and DOES 1-100
 26 inclusive,

27 Defendants.

Case No. 10-CV-05306-~~MEJ~~TEH

**STIPULATION AND ~~[PROPOSED]~~
 ORDER RE: POSTPONEMENT OF
 FORECLOSURE SALE AND FOR
 WITHDRAWAL OF PLAINTIFFS' EX
 PARTE MOTION FOR TEMPORARY
 RESTRAINING ORDER AND
 PRELIMINARY INJUNCTION**

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1 STIPULATION

2 Plaintiffs, JOHN M. CALDWELL and MARY F. CALDWELL (“Plaintiffs”), and
3 Defendant, PRIVATE NATIONAL MORTGAGE COMPANY, LLC (“PennyMac”), through their
4 respective undersigned counsels, enter into this stipulation to postpone the pending trustee’s sale and
5 for withdrawal of Plaintiffs’ Ex Parte Motion for TRO and Preliminary Injunction.

6 The parties stipulate as follows:

- 7 1. PennyMac agrees to postpone the pending trustee’s sale, currently scheduled for
8 December 13, 2010, for 60 days; and
9 2. Plaintiffs agree to withdraw their Ex Parte Motion for TRO and Preliminary
10 Injunction (Doc. #12).

11 IT IS SO STIPULATED.

12 Respectfully submitted,

13 PITE DUNCAN, LLP

14 Dated: December 10, 2010

By: /s/ Cuong Nguyen
CUONG M. NGUYEN
Attorneys for Defendants
PRIVATE NATIONAL MORTGAGE
ACCEPTANCE COMPANY, LLC;
CITIBANK, N.A.; CITIMORTGAGE, INC.;
CR TITLE SERVICES, INC.; and
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

19
20 LEPERA & ASSOCIATES, PC

21 Dated: December 10, 2010

By: /s/ Joseph Lepera
JOSEPH A. LEPERA
Attorneys for Plaintiffs
JOHN M. CALDWELL and
MARY F. CALDWELL

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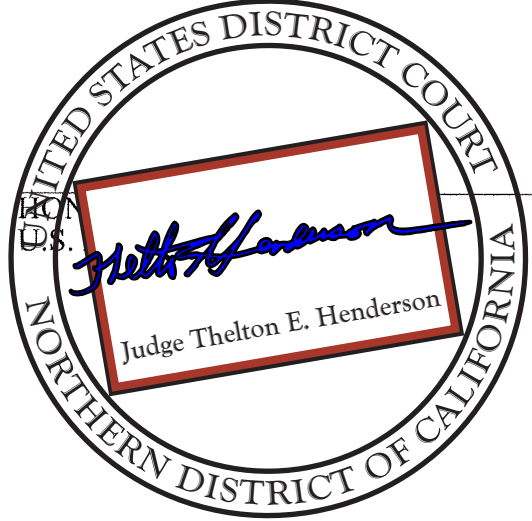
ORDER

Based upon the above Stipulation between Plaintiffs and Defendant PennyMac and good cause appearing,

IT IS HEREBY ORDERED that Plaintiffs' Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction (Doc. #12) shall be deemed withdrawn.

IT IS SO ORDERED.

Dated: 12/21/10 _____



1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, declare: I am, and was at the time of service of the papers herein referred
3 to, over the age of 18 years, and not a party to this action. My business address is 4375 Jutland
4 Drive, Suite 200, P.O. Box 17935, San Diego, CA 92177-0935.

5 I hereby certify that on December 10, 2010, I electronically transmitted the attached
6 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of
7 Electronic Filing to the following CM/ECF registrants:

8 Joseph Antonio Lepera, joseph@leperalaw.com;

9 Glen Howard Olives, glen.olives@fnf.com;

10 Nancy Johnson, njj@berliner.com

11 I further certify that on December 10, 2010, I served the above-described documents by U.S.
12 Mail on the following, who are not registered participants of the CM/ECF System:

13 N/A

14 I declare under penalty of perjury under the laws of the United States of America that the
15 foregoing is true and correct.

16 Executed this 10th day of December 2010, at San Diego, California.

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18 _____
CRYSTAL HANLEY

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