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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

FIDELITY NATIONAL TITLE  
 INSURANCE COMPANY, et al.,  
 Plaintiffs,

vs.

JAMES C. CASTLE aka J.  
 CHRISTOPHER CASTLE at al., and  
 Does 1 through 100, inclusive,  
 Defendants.

No. C-11-00896 SI

**STIPULATION AND [~~PROPOSED~~] ORDER  
 EXTENDING TIME FOR PLAINTIFFS TO  
 RESPOND, AND DEFENDANTS TO REPLY,  
 ON DEFENDANTS' MOTIONS TO DISMISS  
 PLAINTIFFS' SECOND AMENDED  
 COMPLAINT**

256828.1

BUCHMAN PROVINE  
 BROTHERS  
 SMITH LLP  
 ATTORNEYS AT LAW

Stipulation and [Proposed] Order Extending Time to Respond to Motion to Dismiss (No. C-11-00896 SI)

1 STIPULATION

2 Defendants Alicia A. Sanders, Jon P. Sanders, Daniel R. Young, Kelly E. Young, Lara  
3 Karakasevic, Jolee Lange, Jason Young, CJT Financial Group, GJZ Group and Golden Hills  
4 Group, Randall C. Crawford, Fahed M. Eweis, Nadia E. Eweis, Kevin Keith, Christy Keith,  
5 Donald Porto, Patricia Porto, David R. Thompson, Melissa A. Thompson, Tisha L. Trites, Tisha  
6 Trites Realty, Ryan Styles, James C. Castle, CCTT Group and Oreplex International LLC, Laura  
7 M. Pezzi, John-Michael Di Chiara, Shon-Te-East-A, Walks With Spirit, Corporation Sole, Remus  
8 Kirkpatrick, Golden Hills Trust and Financial Recovery Group (collectively “Defendants”) filed a  
9 total of eleven (11) Notices of Motion and Motions to Dismiss Plaintiffs’ Second Amended  
10 Complaint on January 23, 2012 (the “Original Motions”) as well as a motion under the Colorado  
11 River Doctrine to stay the action as to certain parties and transactions based on two pending state  
12 court actions. Thereafter, on January 30, 2012, January 31, 2012 and February 2, 2012,  
13 Defendants filed ten (10) Amended Notices of Motion and Motions to Dismiss (the “Amended  
14 Motions.”). (The motion to stay and one of the motions to dismiss were not amended.) Four (4)  
15 of the Amended Motions challenged additional causes of actions in Plaintiffs’ Second Amended  
16 Complaint that were not challenged in the Original Motions. (The Original Motions and  
17 Amended Motions will be collectively referred to as the “Motions”). **All of the Motions are set**  
18 **for hearing on March 23, 2012.**

19 Plaintiffs’ response to Defendants’ motion to stay was filed when due on February 6,  
20 2012. See Docket No. 140 (motion) and Docket No. 177 (opposition).

21 The Amended Motions of Defendants Alicia A. Sanders, Jon P. Sanders, Daniel R.  
22 Young, Kelly E. Young, Lara Karakasevic, Jolee Lange, Jason Young, CJT Financial Group, GJZ  
23 Group and Golden Hills Group, Randall C. Crawford, Fahed M. Eweis, Nadia E. Eweis, Kevin  
24 Keith, Christy Keith, Donald Porto, Patricia Porto, David R. Thompson and Melissa A.  
25 Thompson were filed on January 30, 2012 and Plaintiffs’ responses to said Amended Motions are  
26 due on or before February 13, 2012. See Docket Nos. 154, 155, 156, 157 and 158.

27 The Amended Motion of Defendants Tisha L. Trites, Tisha Trites Realty and Ryan Styles  
28 was filed on January 31, 2012 and Plaintiffs’ response to said Amended Motion is due on or

1 before February 14, 2012. See Docket No. 159.

2 The Amended Motions of Defendants James C. Castle, CCTT Group and Oreplex  
3 International LLC, Laura M. Pezzi, John-Michael Di Chiara, Shon-Te-East-A, Walks With Spirit,  
4 Corporation Sole, Remus Kirkpatrick, Golden Hills Trust and Financial Recovery Group were  
5 filed on February 2, 2012 and Plaintiffs' responses to said Amended Motions are due on or before  
6 February 16, 2012. See Docket Nos. 173, 174 and 175.

7 The Original Motion of Defendant Todd J. Smith was not amended but pursuant to  
8 stipulation and order Plaintiffs' response thereto is due on or before February 13, 2012. See  
9 Docket No. 178 (order on stipulation).

10 Northern District of California Civil Local Rule 6-2(a) permits parties to file a stipulation  
11 changing the time that would affect the date of a deadline fixed by Court order, Local Rules or  
12 Federal Rules. In light of the large number of defendants who have filed Motions (a total of thirty  
13 (30) Defendants and eleven (11) Motions), the complexity of the factual transactions underlying  
14 the litigation, the complexity of the facts and legal arguments set forth in Defendants' Motions  
15 and the various acts and roles of the individual Defendants as alleged in the Second Amended  
16 Complaint, the parties have agreed: (A) that Plaintiffs may have additional time, to and including  
17 Thursday, March 1, 2012, in which to respond to all eleven (11) Motions filed by Defendants; (B)  
18 that Defendants' reply papers, if any, shall be due on March 9, 2012; and (C) that Defendants'  
19 reply papers on the motion to stay shall also be due on March 9, 2012.

20 Based on the foregoing, IT IS HEREBY STIPULATED, by and between Plaintiffs and  
21 Defendants as follows: (A) that Plaintiffs may have additional time, to and including Thursday,  
22 March 1, 2012, in which to respond to all eleven (11) Motions to dismiss filed by Defendants; (B)  
23 that Defendants' reply papers, if any, shall be due on March 9, 2012; and (C) that Defendants'  
24 reply papers on Defendants' motion to stay shall also be due on March 9, 2012.

25 DATED: February 9, 2012

**BUCHMAN PROVINE BROTHERS SMITH LLP**

26  
27 By:           /s/ Connor M. Day            
STEPHEN C. SETO  
CONNOR M. DAY  
Attorneys for Plaintiffs

1 DATED: February 9, 2012

**LAW OFFICES OF THOMAS J. LALANNE**

2  
3 By:                   /s/ Thomas J. LaLanne                    
THOMAS J. LALANNE

4 Attorneys for Defendants James C. Castle  
5 (aka J. Christopher Castle), CCTT Group;  
6 CJT Financial Group; and Oreplex International  
LLC and other defendants

7 DATED: February 9, 2012

**DRAPER LAW OFFICES**

8  
9 By:                   /s/ Ann McFarland Draper                    
ANN McFARLAND DRAPER

10 Attorneys for Defendant James C. Castle  
11 (aka J. Christopher Castle)

12  
13 **DECLARATION OF COUNSEL**

14 I, Connor M. Day, hereby declare as follows:

15 1. I am an attorney with the law office of Buchman Provine Brothers & Smith LLP,  
16 attorneys of record herein for Plaintiffs Fidelity National Title Insurance Company,  
17 Commonwealth Land Title Insurance Company, Ally Bank, Wesley W. Halihan, Gina L.  
18 Halihan, Li-Ling Sung, Tzee-Shan Tsai, Tatyana Madina, Dawn R. Carifi, Karrie L. Hanna, Brian  
19 Phuong, Crichton Friedly and Janet N. Friedly (collectively, "Plaintiffs"). I am duly licensed to  
20 practice before all of the courts of the State of California.

21 2. I have personal knowledge of the facts stated herein and could and would testify  
22 competently thereto if called upon to do so.

23 3. Pursuant to Northern District of California Civil Local Rule 6-2(a), I submit this  
24 declaration in support of Plaintiffs' Stipulation and [Proposed] Order Extending the Time for  
25 Plaintiffs' to Respond to Defendants Motions to Dismiss Plaintiffs' Second Amended Complaint.

26 4. Currently, the thirty (30) defendants represented by Thomas J. LaLanne have filed  
27 a total of eleven (11) motions to dismiss Plaintiffs' Second Amended Complaint. Plaintiffs'  
28 responses to defendants' motions to dismiss are due on February 13, 2012, February 14, 2012 and

1 February 16, 2012. In addition, defendants also filed a motion to stay under the Colorado River  
2 Doctrine, to which Plaintiffs have already filed their opposition and for which defendants' reply  
3 papers are currently due on February 13, 2012.

4 5. In light of the large number of defendants who have filed Motions to dismiss (a  
5 total of thirty (30) Defendants and eleven (11) Motions), the complexity of the factual  
6 transactions underlying the litigation, the complexity of the facts and legal arguments set forth in  
7 Defendants' Motions and the various acts and roles of the individual Defendants as alleged in the  
8 Second Amended Complaint, the parties have agreed that Plaintiffs may have additional time, to  
9 and including Thursday, March 1, 2012, in which to respond to all eleven (11) of the Motions (to  
10 dismiss) filed by Defendants; and accordingly the parties have also agreed that Defendants' reply  
11 papers on the eleven (11) Motions to dismiss, as well as Defendants' reply papers on the motion  
12 to stay, shall all be due on Friday, March 9, 2012.

13 6. All eleven (11) motions to dismiss filed by the defendants are scheduled to be  
14 heard by this Court on March 23, 2012 at 9:00 a.m. in Department 10. In addition, a case  
15 management conference is currently scheduled for April 13, 2012. In light of the usual notice and  
16 briefing schedule for motions in this district, I do not believe that extending the time within which  
17 Plaintiffs can respond to Defendants' Motions will have any effect on the current schedule of this  
18 case or the hearing date of March 23, 2012.

19 I declare under penalty of perjury under the laws of the State of California that the  
20 foregoing is true and correct. This declaration is executed at Walnut Creek, California, this 9th  
21 day of February 2012.

22  
23 /s/ Connor M. Day  
CONNOR M. DAY

1 **[PROPOSED] ORDER**

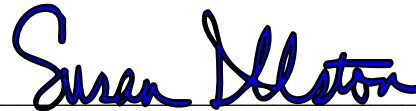
2 PURSUANT TO THE FOREDOING STIPULATION, IT IS HEREBY ORDERED  
3 THAT the time for Plaintiffs to file responses to the Amended Notices of Motion and Motions to  
4 Dismiss Plaintiffs' Second Amended Complaint filed on January 30, 2012, January 31, 2012 and  
5 February 2, 2012 by defendants Alicia A. Sanders, Jon P. Sanders, Daniel R. Young, Kelly E.  
6 Young, Lara Karakasevic, Jolee Lange, Jason Young, CJT Financial Group, GJZ Group and  
7 Golden Hills Group, Randall C. Crawford, Fahed M. Eweis, Nadia E. Eweis, Kevin Keith,  
8 Christy Keith, Donald Porto, Patricia Porto, David R. Thompson, Melissa A. Thompson, Tisha L.  
9 Trites, Tisha Trites Realty, Ryan Styles, James C. Castle, CCTT Group and Oreplex International  
10 LLC, Laura M. Pezzi, John-Michael Di Chiara, Shon-Te-East-A, Walks With Spirit, Corporation  
11 Sole, Remus Kirkpatrick, Golden Hills Trust and Financial Recovery Group, shall be extended to  
12 **March 1, 2012.**

13 IT IS FURTHER ORDERED THAT the time for Plaintiffs to file a response to defendant  
14 Todd J. Smith's Notice of Motion and Motion to Dismiss Plaintiffs' Second Amended Complaint  
15 shall be extended to **March 1, 2012.**

16 IT IS FURTHER ORDERED THAT the Defendants shall have to and including **March 9,**  
17 **2012,** in which to file their reply papers on the motion to stay and on the eleven (11) motions to  
18 dismiss.

19  
20 **IT IS SO ORDERED.**

21 Dated: February 142012



22 \_\_\_\_\_  
23 SUSAN ILLSTON  
24 United States District Judge