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11 Attorneys for Plaintiff, FEDERAL DEPOSIT
12 INSURANCE CORPORATION, as Receiver
13 for Downey Savings & Loan Association, F.A.

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – NORTHERN DIVISION

FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver for
Downey Savings and Loan Association,
F.A.,

Plaintiff,

vs.

AMERICAN PRIME FUNDING, INC.,
a dissolved Nevada corporation; et al.;

Defendants.

CASE NO. : 11-cv-00996-SC

**VOLUNTARY STIPULATION TO
DISMISS DEFENDANT FLOR
MENDOZA, AN INDIVIDUAL,
FROM THE ACTION, WITH
PREJUDICE**

[FRCP 41(a)(1)(A)(ii)]

Action Filed: October 7, 2010

TO THE COURT, ALL APPEARING PARTIES AND THEIR
RESPECTIVE ATTORNEYS OF RECORD:

WHEREAS Defendant FLOR MENDOZA (“Mendoza”), an individual, was
named as a defendant and was served with the summons and complaint in the

1 above-captioned action;

2 WHEREAS this Stipulation does not affect, alter or release any claim, cause
3 of action or defense asserted by any other parties in this action;

4 WHEREAS Plaintiff FEDERAL DEPOSIT INSURANCE CORPORATION,
5 as Receiver for Downey Savings and Loan Association, F.A. ("Plaintiff") desires to
6 dismiss Mendoza with prejudice from this action, in exchange for which Mendoza
7 has agreed to be responsible for her own attorney's fees and costs she has incurred,
8 if any; and

9 WHEREAS counsel for Plaintiff is duly authorized by her client to enter into
10 this Stipulation; and Defendant is duly authorized to enter into this Stipulation;

11 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between all
12 parties who have appeared in this action that Defendant FLOR MENDOZA, an
13 individual, may be dismissed from the action with prejudice.

14
15 DATED: May 5/ 2012

HERSHORN & HENRY, LLP

16
17 By: 

18 JEAN C. WILCOX
19 Attorneys for Plaintiff,
20 Federal Deposit Insurance Corporation,
21 as Receiver for Downey Savings &
22 Loan Association, F.A.

23
24 DATED: May 05 2012

25 By: 

26 FLOR MENDOZA,
27 Defendant in Pro Se

28

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 27422 Portola Parkway, Suite 360, Foothill Ranch, CA 92610.

On June 15, 2012, I served the following document(s) described as:

**VOLUNTARY STIPULATION TO DISMISS DEFENDANT FLOR
MENDOZA, AN INDIVIDUAL, FROM THE ACTION, WITH PREJUDICE**

on all interested parties in this action by placing a true copy(ies) thereof enclosed in sealed envelope(s) addressed as follows:

| | |
|---|--|
| <p>Flor Mendoza 1102 Monte Cristo Ave. Modesto, CA 95350-2904</p> | <p>Defendant</p> |
| <p>Flor Mendoza 5400 Sherwood Way San Ramon, CA 94582</p> | |
| <p>Sid Luscutoff, Esq.</p> | <p>Attorney for Defendant Stephan Dessus</p> |
| <p>LUSCUTOFF, LENDORMY &</p> | |
| <p>ASSOCIATES</p> | |
| <p>400 Montgomery Street, 6th Floor</p> | |
| <p>San Francisco, CA 94104</p> | |

[X] **(BY MAIL)** I caused each such envelope(s), with postage thereon fully prepaid, to be placed in the United States mail at Foothill Ranch, California. I am readily familiar with the practice of this law firm for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

[X] **(FEDERAL)** I hereby certify that I am employed in the office of a member of the Bar of this Court at whose discretion the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on June 15, 2012, at Foothill Ranch, California.

MARLA FORTNER

1 JEAN C. WILCOX, ESQ. (SBN 097963)
2 Email address: jeanw@hhlawgroup.com
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11 Attorneys for Plaintiff, FEDERAL DEPOSIT
12 INSURANCE CORPORATION, as Receiver
13 for Downey Savings & Loan Association, F.A.

14 FEDERAL DEPOSIT INSURANCE
15 CORPORATION, as Receiver for
16 Downey Savings and Loan Association,
17 F.A.,

18 Plaintiff,
19 vs.

20 AMERICAN PRIME FUNDING, INC.,
21 a dissolved Nevada corporation; et al.;

22 Defendants.

23 CASE NO. : 11-cv-00996-SC

24 **[PROPOSED]**
25 **ORDER TO DISMISS DEFENDANT**
26 **FLOR MENDOZA, AN INDIVIDUAL,**
27 **FROM THE ACTION, WITH**
28 **PREJUDICE**

29 **[FRCP 41(a)(1)(A)(ii)]**

30 Action Filed: October 7, 2010

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32 WHEREAS Plaintiff FEDERAL DEPOSIT INSURANCE CORPORATION,
33 as Receiver for Downey Savings and Loan Association, F.A., and Defendant FLOR
34 MENDOZA, an individual, have stipulated that she shall be dismissed from the
35 above-captioned action with prejudice;

1 NOW, THEREFORE, it is hereby ordered that Defendant FLOR
2 MENDOZA, an individual, is hereby dismissed from this action with prejudice.
3

4 DATED: 6/18/12



PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 27422 Portola Parkway, Suite 360, Foothill Ranch, CA 92610.

On June 15, 2012, I served the following document(s) described as:

[PROPOSED] ORDER TO DISMISS DEFENDANT FLOR MENDOZA, AN INDIVIDUAL, FROM THE ACTION, WITH PREJUDICE

on all interested parties in this action by placing a true copy(ies) thereof enclosed in sealed envelope(s) addressed as follows:

| | |
|---|--|
| <p>Flor Mendoza 1102 Monte Cristo Ave. Modesto, CA 95350-2904</p> <p>Flor Mendoza 5400 Sherwood Way San Ramon, CA 94582</p> | <p>Defendant</p> |
| <p>Sid Luscutoff, Esq. LUSCUTOFF, LENDORMY & ASSOCIATES 400 Montgomery Street, 6th Floor San Francisco, CA 94104</p> | <p>Attorney for Defendant Stephan Dessus</p> |

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[X] **(FEDERAL)** I hereby certify that I am employed in the office of a member of the Bar of this Court at whose discretion the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on June 15, 2012, at Foothill Ranch, California.

MARIA FORTNER