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6 *Attorneys for Plaintiff*  
 LEHMAN BROTHERS HOLDINGS, INC.

8 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

10 LEHMAN BROTHERS HOLDINGS,  
 INC.

11 Plaintiff,

12 v.

13 MASON McDUFFIE MORTGAGE  
 14 CORPORATION,

15 Defendant.

CASE NO.: 3:12-cv-05132-MEJ

**AMENDED NOTICE OF  
 SETTLEMENT AND  
 REQUEST TO HOLD CASE IN  
 ABEYANCE OR OTHERWISE  
 ADMINISTRATIVELY CLOSE  
 ACTION**

18 **I. AMENDED NOTICE OF SETTLEMENT**

19 PLEASE TAKE NOTICE that Plaintiff Lehman Brothers Holdings, Inc.  
 20 (“Plaintiff”) and Defendant Mason-McDuffie Mortgage Corporation (“Defendant”)  
 21 (collectively, the “Parties”), have reached a settlement of all claims asserted in the  
 22 above-captioned action.  
 23

24 On February 15, 2013, Plaintiff filed its *initial* Notice of Settlement advising  
 25 the Court a) a settlement had been reached; b) the Parties were in the process of  
 26 reducing the settlement to writing; and c) the Parties anticipated filing a stipulation  
 27  
 28

1 to dismiss the action pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii) within 45 days (*i.e.*,  
2 by April 1, 2013).

3  
4 Plaintiff hereby files this instant *Amended* Notice of Settlement and advises  
5 the Court as follows:

- 6 1. The Parties have executed a Settlement Agreement and Mutual  
7 Release (“Agreement”) whereby Defendant agrees to perform  
8 pursuant to the terms of the Agreement over time.
- 9  
10 2. Defendant has begun to perform pursuant to the terms of the  
11 Agreement.
- 12  
13 3. Though it was originally anticipated that Defendant’s performance  
14 under the Agreement would be completed by April 1, 2013, it now  
15 appears that Defendant’s performance will not be completed until  
16 June 3, 2013.
- 17  
18 4. The parties now anticipate that the stipulation to dismiss this action  
19 pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii) will occur by on or about  
20 June 14, 2013.
- 21

22 **II. REQUEST TO HOLD CASE IN ABEYANCE OR OTHERWISE**  
23 **ADMINISTRATIVELY CLOSE ACTION**

24  
25 Given the above, and in the interests of judicial economy, Plaintiff requests  
26 this Court hold the case in abeyance or otherwise administratively close this action  
27  
28

1 through June 21, 2013, thereby affording the Parties sufficient time to a) complete  
2 the settlement of this action, and b) file the stipulation to dismiss this action.  
3  
4

5 Respectfully submitted this 20<sup>th</sup> day of March, 2013.

6 FOSTER GRAHAM MILSTEIN  
7 & CALISHER, LLP

8 */s/ Daniel K. Calisher*

9 Daniel K. Calisher

10 David S. Canter

11 *Attorneys for Plaintiff*

12 *Lehman Brothers Holdings, Inc.*



This case shall be held  
in abeyance until June 21,  
2013. The parties shall  
either file a dismissal at  
that time or file a status  
report as to the status of  
the settlement of this action  
IT IS SO ORDERED.  
DATED: 3/29/2013



1 the party service, service is presumed invalid if delivery by Federal Express is  
2 more than one day after the date of deposit with Federal Express. Executed on the  
below date, at Denver, Colorado.

3 **(BY PERSONAL SERVICE)**

4 I caused to be delivered such envelope by hand to the addressee noted  
above. Executed on the below date at Denver, Colorado.

5 **X (FEDERAL)**

6 I declare under penalty of perjury that the foregoing is true and correct, and  
7 that I am employed at the office of a member of the bar of this Court at whose  
direction the service was made.

8  
9 Executed on March 20, 2013, at Denver, Colorado.

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11 s/ Daniel K. Calisher  
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