

1 DAVID E. HARRIS (Bar No. 161334)
 MILLER STARR REGALIA
 2 A Professional Law Corporation
 1331 N. California Blvd., Fifth Floor
 3 Walnut Creek, California 94596
 Telephone: 925 935 9400
 4 Facsimile: 925 933 4126
 Email: david.harris@msrlegal.com

5 Attorneys for RPM MORTGAGE, INC., a
 6 California corporation d/b/a RESIDENTIAL
 PACIFIC MORTGAGE, INC., erroneously sued
 7 as f/k/a NL, INC.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

11 FEDERAL DEPOSIT INSURANCE
 CORPORATION as Receiver for AMTRUST
 12 BANK,

13 Plaintiff,

14 v.

15 RPM MORTGAGE, INC., a California
 corporation d/b/a RESIDENTIAL PACIFIC
 16 MORTGAGE, f/k/a NL, INC.,

17 Defendant.

Case No. 15-cv-05534-EMC

STIPULATION PERMITTING
 DEFENDANT RPM MORTGAGE, INC. TO
 FILE AMENDED ANSWER

JUDGE EDWARD M. CHEN

18
 19 IT IS HEREBY STIPULATED, by and between plaintiff FEDERAL DEPOSIT
 20 INSURANCE CORPORATION as Receiver for AMTRUST BANK (hereinafter “FDIC-R” or
 21 “Plaintiff”), and defendant RPM MORTGAGE, INC., a California corporation d/b/a
 22 RESIDENTIAL PACIFIC MORTGAGE, f/k/a NL, INC. (“RPM” or “Defendant”), through their
 23 respective counsel, as follows:

24 1. On December 31, 2015, RPM filed its answer to FDIC-R’s complaint. The
 25 answer asserted, among other claims, comparative fault and assumption of risk as affirmative
 26 defenses.

27
 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. On January 19, 2016, FDIC-R objected as to RPM’s assertions of comparative fault and assumption of risk as affirmative defenses. That same date, RPM agreed to amend its answer to remove the comparative fault and assumption of risk defenses.

4. On January 21, 2016, the deadline for RPM to amend its answer as a matter of course under Rule 15(a)(1)(A) of the Federal Rules of Civil Procedure passed.

5. RPM wishes to amend its answer in this case to eliminate the comparative fault and assumption of risk defenses.

6. THE PARTIES HERETO STIPULATE AND AGREE, by and through their respective attorneys, that Defendant RPM may file an Amended Answer to Complaint in the above-referenced action in the form attached as Exhibit “A” hereto. The proposed Amended Answer eliminates the defenses of comparative fault and assumption of risk. IT IS SO STIPULATED.

Dated: March 1, 2016

MORTGAGE RECOVERY LAW GROUP LLP

By: /s/ Dana J. Clausen
PAUL A. LEVIN
DANA J. CLAUSEN
FEDERAL DEPOSIT INSURANCE
CORPORATION as Receiver for AMTRUST
BANK

Dated: March 1, 2016

MILLER STARR REGALIA

By: /s/ David E. Harris
DAVID E. HARRIS
Attorneys for RPM MORTGAGE, INC., a
California corporation d/b/a RESIDENTIAL
PACIFIC MORTGAGE, INC., erroneously sued
as f/k/a NL, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

GOOD CAUSE APPEARING:

IT IS ORDERED that Defendant RPM MORTGAGE, INC., a California corporation d/b/a RESIDENTIAL PACIFIC MORTGAGE, f/k/a NL, INC. may file an amended answer in Case No. 15-cv-05534-EMC in the form of Exhibit "A" attached hereto.

DATED: 3/1/16

