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Attorneys for Defendants  
 7 AMERICA'S SERVICING COMPANY, A  
 DIVISION OF WELLS FARGO HOME  
 8 MORTGAGE; WELLS FARGO HOME  
 MORTGAGE, A DIVISION OF WELLS  
 9 FARGO BANK, N.A. (sued collectively as  
 "WELLS FARGO HOME MORTGAGE  
 10 AMERICA'S SERVICING COMPANY"); and  
 HSBC BANK USA, N.A., AS INDENTURE  
 11 TRUSTEE FOR FIRST NLC TRUST 2005-3,  
 MORTGAGE-BACKED NOTES, 2005-3  
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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION  
 15

16 FELIX O. GUILLORY, an individual,

17 Plaintiff,

18 vs.

19 HSBC BANK USA, NATIONAL  
 ASSOCIATION AS INDENTURE TRUSTEE  
 20 FOR FIRST NLC TRUST 2005-3; WELLS  
 FARGO HOME MORTGAGE AMERICA'S  
 21 SERVICING COMPANY,

22 Defendants.  
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Case No. 3:16-CV-03868-MMC

**STIPULATED REQUEST FOR  
 DISMISSAL OF COMPLAINT WITH  
 CONDITIONS; [PROPOSED] ORDER**

The Hon. Maxine M. Chesney

Action Filed: July 11, 2016

Trial Date: Not Set

24 TO THE COURT, CLERK OF COURT, AND ALL PARTIES:

25 IT IS HEREBY STIPULATED by and between plaintiff Felix O. Guillory ("Plaintiff") and  
 26 defendants America's Servicing Company, a division of Wells Fargo Home Mortgage ("ASC"),  
 27 Wells Fargo Home Mortgage, a division of Wells Fargo Bank, N.A. ("Wells Fargo") and HSBC  
 28 Bank USA, N.A., as Indenture Trustee for First NLC Trust 2005-3, Mortgage-Backed Notes,

1 2005-3 (“HSBC”) (collectively, “Defendants”) that the complaint be dismissed *with* prejudice  
2 pursuant to Federal Rules of Civil Procedure section 41(a)(2), subject to the following conditions:

3 1. Plaintiff asserts a right to recover attorney’s fees and costs pursuant to California  
4 Civil Code section 2924.12(i) and that Plaintiff is the prevailing party. Defendants deny that  
5 Plaintiff has the right to recover any attorney’s fees and/or costs, and deny that Plaintiff is the  
6 prevailing party in this action.

7 2. However, Plaintiff and Defendants agree that the Court shall retain jurisdiction to  
8 rule on any motion for attorney’s fees and/or application for costs. The motion for attorney’s fees  
9 and/or application for costs must be filed within fourteen (14) calendar days of the Court’s  
10 approval of this stipulation, as set forth in Local Rule 54. By entering into this stipulation to  
11 dismiss, Plaintiff does not concede that Defendants are the prevailing parties. By entering into this  
12 stipulation, Defendants do not concede that Plaintiff is entitled to recovery any attorney’s fees,  
13 Defendants do not concede that Plaintiff is the prevailing party, and Defendants do not concede  
14 the reasonableness of Plaintiff’s request for attorney’s fees or costs. Defendants reserve all  
15 defenses to any request for attorney’s fees and/or costs submitted by Plaintiff.

16 DATED: September 19, 2017

Respectfully submitted,

17 LAW OFFICES OF TEFAYE TSADIK

18  
19 By:                   /s/ Tesfaye W. Tsadik                    
20   Tesfaye W. Tsadik  

21 Attorneys for Plaintiff FELIX OLIVER GUILLORY  
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DATED: September 19, 2017

Respectfully submitted,  
  
SEVERSON & WERSON  
A Professional Corporation

By:   /s/ Laszlo Ladi    
Laszlo Ladi

Attorneys for Defendants AMERICA’S SERVICING COMPANY, A DIVISION OF WELLS FARGO HOME MORTGAGE; WELLS FARGO HOME MORTGAGE, A DIVISION OF WELLS FARGO BANK, N.A. (sued collectively as “WELLS FARGO HOME MORTGAGE AMERICA’S SERVICING COMPANY”); and HSBC BANK USA, N.A., AS INDENTURE TRUSTEE FOR FIRST NLC TRUST 2005-3, MORTGAGE-BACKED NOTES, 2005-3

**ECF ATTESTATION**

I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-filed document. /s/ Laszlo Ladi

**[PROPOSED] ORDER**

Pursuant to the stipulation of the parties, the complaint is dismissed *with* prejudice, subject to the conditions set forth in the parties’ stipulation.

IT IS SO ORDERED.

DATED: September 19, 2017

  
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Hon. Maxine M. Chesney