

1 FINESTONE HAYES LLP
Jennifer C. Hayes (Bar No. 197252)
2 jhayes@fhlawllp.com
456 Montgomery Street, 20th Floor
3 San Francisco, California 94104
Telephone: (415) 616-0466
4 Facsimile: (415) 398-2820

5 QUINN EMANUEL URQUHART & SULLIVAN, LLP
Anthony P. Alden (Bar No. 232220)
6 anthonyalden@quinnemanuel.com
865 South Figueroa Street, 10th Floor
7 Los Angeles, California 90017-2543
Telephone: (213) 443-3000
8 Facsimile: (213) 443-3100

9 Attorneys for Plaintiff ResCap Liquidating Trust

10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 RESCAP LIQUIDATING TRUST,
14 Plaintiff,

15 vs.

16 FIRST CALIFORNIA MORTGAGE
COMPANY; CHRISTOPHER HART;
17 DENNIS HART; ELIZABETH HART-
ARMSTRONG; DAVID ARMSTRONG;
18 SEAGULL SERVICES, LLC; FIRST
CALIFORNIA LENDING SOLUTIONS;
19 HART FAMILY FOUNDATION; D.M.H.
FAMILY LIMITED PARTNERSHIP; and
20 TIVOLI ASSET MANAGEMENT, INC.,
Defendants.

21 CHRISTOPHER HART; DENNIS HART;
ELIZABETH HART-ARMSTRONG;
22 DAVID ARMSTRONG; SEAGULL
SERVICES, LLC; FIRST CALIFORNIA
LENDING SOLUTIONS; HART FAMILY
23 FOUNDATION; and D.M.H. FAMILY
LIMITED PARTNERSHIP,
24 Counterclaimants,

25 vs.

26 RESCAP LIQUIDATING TRUST; and
27 FIRST CALIFORNIA MORTGAGE
COMPANY,
28 Counterdefendants.

Case No. 3:18-cv-03283-WHO

**STIPULATION REGARDING BRIEFING
SCHEDULE ON PLAINTIFF'S MOTION TO
DISMISS COUNTERCLAIMS, STRIKE
ALLEGATIONS CONCERNING
CONFIDENTIAL SETTLEMENT
COMMUNICATIONS, AND STRIKE
AFFIRMATIVE DEFENSES [DKT NO. 45]**

1 Pursuant to Civil Local Rules 6-1(b) and 6-2, ResCap Liquidating Trust (“Plaintiff”);
2 Defendants Christopher Hart; Dennis Hart; Elizabeth Hart-Armstrong; David Armstrong; Seagull
3 Services, LLC; First California Lending Solutions; Hart Family Foundation; D.M.H. Family
4 Limited Partnership (collectively, “Counterclaimants”); Defendant Tivoli Asset Management
5 (together with Counterclaimants, the “non-FCMC Defendants”), and Defendant First California
6 Mortgage Company (individually, “FCMC,” and together with the non-FCMC Defendants,
7 “Defendants”) hereby file their Stipulation Regarding Briefing Schedule on Plaintiff’s Motion to
8 Dismiss Counterclaims, Strike Allegations Concerning Confidential Settlement Communications,
9 and Strike Affirmative Defenses (Dkt. No. 45):

10 **RECITALS**

11 A. On July 19, 2018, FCMC filed an Answer to Plaintiff’s Complaint (Dkt. No. 18).

12 B. On November 15, 2018, the non-FCMC Defendants filed an Answer to Plaintiff’s
13 Complaint (Dkt. No. 42), and Counterclaimants filed Counterclaims (Dkt. No. 43).

14 C. On December 6, 2018, Plaintiff filed a Motion to Dismiss Counterclaims, Stike
15 Allegations Concerning Confidential Settlement Communications, and Strike Affirmative
16 Defenses (Dkt. No. 45) (the “Motion”).

17 D. Pursuant to Civil Local Rule 7-3, the current deadline for Defendants to file an
18 Opposition to the Motion is December 20, 2018, and the current deadline for Plaintiff to file a
19 Reply is December 27, 2018.

20 E. A hearing on the Motion is currently scheduled for January 23, 2019, at 2:00 p.m.

21 F. Subject to the Court’s approval, the parties have agreed, in light of the Christmas
22 and New Year holidays, to extend the Opposition filing deadline to December 28, 2018, and the
23 Reply filing deadline to January 10, 2019.

24 G. The parties previously stipulated to extend the briefing schedule for the non-FCMC
25 Defendants’ Motion to Partially Dismiss the Complaint (Dkt. No. 22), and the Court so-ordered
26 that stipulation (Dkt. No. 24). The parties also stipulated to continue the Initial Case Management
27 Conference to the same date as the hearing on the non-FCMC Defendants’ Motion to Dismiss
28 (Dkt. Nos. 30 and 31), and the Court so-ordered that stipulation (Dkt. No. 33).

1 H. Modification of the briefing schedule for the Plaintiff's Motion would not affect the
2 January 23, 2019 hearing on the Motion or any other currently scheduled dates in the case.

3 **STIPULATION**

4 Subject to the Court's approval, the deadline for Defendants to file an Opposition to the
5 Motion shall be December 28, 2018, and the deadline for Plaintiff to file a Reply in support of the
6 Motion shall be January 10, 2019.

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8 DATED: December 11, 2018

FINESTONE HAYES LLP

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10
11 By: Jennifer C. Hayes
Jennifer Hayes

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13 QUINN EMANUEL URQUHART &
SULLIVAN LLP
14 Anthony P. Alden

15 Attorneys for Plaintiff ResCap Liquidating
16 Trust

17 DATED: December 7, 2018

18 STEYER LOWENTHAL BOODROOKAS
ALVAREZ & SMITH LLP

19
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21 By: Edward Egan Smith
Edward Egan Smith

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23 Attorneys for Defendant Christopher Hart,
24 Dennis Hart; Elizabeth Hart-Armstrong, David
25 Armstrong, Seagull Services, LLC, First
26 California Lending Solutions, Hart Family
27 Foundation, D.M.H. Family Limited
28 Partnership, and Tivoli Asset Management

1 DATED: December , 2018

SCHEER LAW GROUP, LLC

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By: Spencer P. Scheer

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Spencer P. Scheer

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Attorneys for Defendant First California
Mortgage Company

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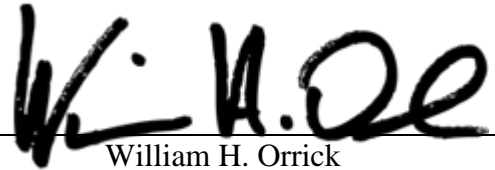
PURSUANT TO STIPULATION, IT IS SO ORDERED.

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DATED: December 18, 2018

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William H. Orrick
UNITED STATES DISTRICT JUDGE

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