

1 **Stuart B. Wolfe (SBN 156471)**
sbwolfe@wolfewyman.com
2 **Megan E. Gruber (SBN 246122)**
megruber@wolfewyman.com
3 **WOLFE & WYMAN LLP**
2175 N. California Blvd., Suite 415
4 **Walnut Creek, California 94596-3579**
Telephone: (925) 280-0004
5 **Facsimile: (925) 280-0005**

6 **Attorneys for Defendants**
MORTGAGE ELECTRONIC
7 **REGISTRATION SYSTEMS, INC.; HOME**
LOAN SERVICES, INC.; BANK OF
8 **AMERICA, N.A., as successor by merger to**
LaSalle Bank National Association as Trustee
9 **for First Franklin Mortgage Loan Trust**
2007-FF2, Mortgage Loan Asset-Backed
10 **Certificates, Series 2007-FF2 (erroneously**
sued as "LaSalle Bank National Association
11 **as Trustee for First Franklin Mortgage Loan**
Trust 2007-FF2, Mortgage Loan Asset-
12 **Backed Certificate, Series 2007-FF2")**

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 **OLIVE CANONIZADO,**

16 **Plaintiff,**

17 **v.**

18 **FIRST AMERICAN LOANSTAR TRUSTEE**
19 **SERVICES; MORTGAGE ELECTRONIC**
20 **REGISTRATION SYSTEMS, INC.; HOME**
21 **LOAN SERVICES, INC.; LASALLE BANK**
22 **NATIONAL ASSOCIATION AS TRUSTEE FOR**
23 **FIRST FRANKLIN MORTGAGE LOAN TRUST**
24 **2007-FF2, MORTGAGE LOAN ASSET-**
25 **BACKED CERTIFICATES, SERIES 2007-FF2;**
26 **and DOES 1 through 50, inclusive,**

27 **Defendants.**

Case No.: 4:09-cv-03530-CW

STIPULATION AND [PROPOSED]
ORDER REQUESTING REMAND OF
PLAINTIFF'S COMPLAINT

28 IT IS HEREBY STIPULATED by and between Plaintiff Olive Canonizado ("Plaintiff") and
Defendants Home Loan Services, Inc., Mortgage Electronic Registration Systems, Inc. and First
Franklin, A Division of National City Bank ("Defendants"), by and through their undersigned
counsel of record in this action, without waiving or limiting their rights, as follows:

1. Whereas, pursuant to 28 U.S.C. section 1441(b), Defendants removed this action to this court on July 31, 2009, on grounds that this Court had original jurisdiction under 28 U.S.C. section 1331 in that, in relevant part, this action arose under 12 U.S.C. section 1701x.

2. Whereas Plaintiff brought a Motion to Remand and Defendants brought a Motion to Dismiss under Rule 12(b)(6), the parties have been conferring regarding the motions.

3. Whereas, as a result of those conferences, the parties have agreed that all the causes of action stated in the Amended Complaint for Damages and Equitable Relief should be remanded to the Superior Court of the State of California for the County of Alameda.

4. Whereas, the parties further agree that the Motion to Dismiss shall be withdrawn.

5. Whereas, the parties further agree that each party shall bear its own costs for the Motion to Remand and the Motion to Dismiss.

6. This Stipulation shall not be construed as an admission by Defendants to any of the allegations contained in the Amended Complaint. Further, Defendants do not waive or limit their right to move or otherwise challenge the Complaint, any causes of action, or any allegations contained therein.

NOW, THEREFORE, the parties agree and hereby request that this Court enter the Order to Remand.

DATED: October 12, 2009

WOLFE & WYMAN LLP

By: /s/ Megan E. Gruber

STUART B. WOLFE

MEGAN E. GRUBER

Attorneys for Defendants

**MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.; HOME LOAN SERVICES,
INC.; BANK OF AMERICA, N.A., as successor by
merger to LaSalle Bank National Association as
Trustee for First Franklin Mortgage Loan Trust
2007-FF2, Mortgage Loan Asset-Backed
Certificates, Series 2007-FF2**

///

///

///

DATED: October 13, 2009

LAW OFFICES OF TRACY WOOD

By: /s/ Tim Reed

TRACY WOOD
TIMOTHY REED
Attorneys for Plaintiff
OLIVE CANONIZADO

BY STIPULATION, IT IS SO ORDERED.

10/15/09



Judge of the United States District Court