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10 Attorneys for DAVID A. BRADLOW,  
 11 Chapter 11 Trustee and Appellee

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 OAKLAND DIVISION

15 In re  
 16 600 ALABAMA LLC,  
 17 a California corporation,  
 18 Debtor.

Case No. CV 09-04378 SBA  
 Bk. No. 08-31434-DM  
 Chapter 11

19 MARIN MORTGAGE BANKERS CORP  
 20 (“MMB”), as servicing agent for CHARLES J.  
 21 FLYNN AND/OR MIK P. FLYNN, OR  
 22 THEIR SUCCESSORS IN TRUST, UNDER  
 23 THE FLYNN FAMILY LIVING TRUST,  
 24 DATED MAY 7, 1999, AND ANY  
 25 AMENDMENTS THERETO ET AL AS TO  
 26 AN UNDIVIDED \$1,270,000.00 INTEREST,

**THIRD STIPULATION AND ORDER RE  
 EXTENSION OF TIME FOR FILING  
 APPELLEE’S OPENING BRIEF RE  
 APPEAL FROM BANKRUPTCY COURT**

[Civil L.R. 6-2, Civil L.R. 7-12]

Appellant,

vs.

27 DAVID A. BRADLOW, CHAPTER 11  
 28 TRUSTEE OF THE ESTATE OF 600  
 ALABAMA LLC,

Appellee.

1           1.       On November 2, 2009, the parties in the above-referenced appeal which is from an  
2 order of the United States Bankruptcy Court, Marin Mortgage Bankers Corp (“MMB”), as Servicing  
3 Agent for Charles J. Flynn And/Or Mik P. Flynn, or Their Successors In Trust, Under The Flynn  
4 Family Living Trust, Dated May 7, 1999, and any Amendments Thereto et al as to An Undivided  
5 \$1,270,000.00 Interest (“Appellant”) and David A. Bradlow, Chapter 11 Trustee of 600 Alabama LLC  
6 (“Appellee”), by and through their counsel of record, stipulated that the time for filing the Appellee’s  
7 Opening Brief be continued for fifteen (15) days (“First Stipulation”). On November 4, 2009, the  
8 Court so ordered.

9           2.       On November 20, 2009, the parties filed their Second Stipulation And Order Re  
10 Extension Of Time For Filing Appellee’s Opening Brief Re Appeal From Bankruptcy Court (“Second  
11 Stipulation”), stipulating that the time for filing the Appellee’s Opening Brief be continued for an  
12 additional thirty (30) days. On November 25, 2009, the Court so ordered.

13           3.       By way of the First Stipulation, the Appellee’s Opening Brief was to be due on  
14 December 1, 2009. Under the Second Stipulation, the parties agreed that the time period could be  
15 extended until January 2, 2010.

16           4.       By way of this Third Stipulation And Order Re Extension Of Time For Filing  
17 Appellee’s Opening Brief Re Appeal From Bankruptcy Court (“Third Stipulation”), the parties once  
18 again wish to extend the time period for the filing of Appellant’s Opening Brief for an additional sixty  
19 (60 days) to March 4, 2010.

20 DATED: December 8, 2009

Respectfully submitted,  
LUCE, FORWARD, HAMILTON & SCRIPPS LLP

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23 By: /s/Michael A. Isaacs, Esq., CSBN 99782  
MICHAEL A. ISAACS  
24 Attorneys for DAVID A. BRADLOW,  
Chapter 11 Trustee and Appellee

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**DECLARATION RE LOCAL RULE 6-2**

I, Michael A. Isaacs, declare as follows:

5. I am a partner in the law firm of Luce, Forward, Hamilton & Scripps LLP, counsel for David A. Bradlow, Chapter 11 Trustee of the estate of 600 Alabama LLC (the "Trustee").

6. This appeal is from an order by the United States Bankruptcy Court for the Northern District of California, the Honorable Dennis Montali, denying Appellant's motion to remove the Trustee.

7. The Court's records reflect that on September 17, 2009, Appellant filed its Notice of Appeal from Bankruptcy Court.

8. The Court's records further indicate that Appellant's Opening Brief was filed and served on October 26, 2009.

9. Currently, Appellee's Opening Brief is to be filed and served on or before January 2, 2010.

10. During the litigation that occurred before the Bankruptcy Court regarding the Appellant's motion to remove the Trustee, Jeffrey Fillerup ("Mr. Fillerup") a partner in the firm of Luce, Forward, Hamilton & Scripps LLP, defended the depositions of the Trustee. It was contemplated that Mr. Fillerup would be defending this appeal, or, at a minimum, assisting in the defense of the appeal because of his background in this case.

11. On October 17, 2009, Mr. Fillerup was involved in a very serious bicycle accident. He was hospitalized with a head injury. It was contemplated that he might return to the office the first week of November; however, at the present time, he is only coming to the office for a couple of hours per day. I believe that Mr. Fillerup's participation is important, not only because of his background in this matter, but because he has handled various other appeals to the District Court.

12. In addition to the medical issue mentioned above, new developments have occurred which could make this appeal moot. The Trustee is in the process of abandoning the real property that gave rise to an Adversary Proceeding that was prosecuted on behalf of the Trustee against Appellant. By Court order dated December 2, 2009, a copy of which is annexed hereto, the Adversary Proceeding has been dismissed. Therefore, as indicated, it is possible that all matters will be resolved and this

1 appeal dismissed.

2 I declare under penalty of perjury under the laws of the United States of America and the State  
3 of California that the foregoing is true and correct. Executed on December 8, 2009 in San Francisco,  
4 California.

5 /s/Michael A. Isaacs, Esq., CSBN 99782  
6 Michael A. Isaacs, Attorney for Appellee

7 NOW, THEREFORE THE PARTIES STIPULATE to the entry of an order extending the time  
8 period within which the Appellee must file its Opening Brief until March 4, 2010.

9 DATED: December 9, 2009 SCHEER LAW GROUP, LLP

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11 By: /s/Spencer P. Scheer, Esq., CSBN 107750  
12 SPENCER P. SCHEER,  
13 Attorneys for Appellant MARIN MORTGAGE  
14 BANKERS CORP (“MMB”), as servicing agent for  
15 CHARLES J. FLYNN AND/OR MIK P. FLYNN, OR  
16 THEIR SUCCESSORS IN TRUST, UNDER THE  
17 FLYNN FAMILY LIVING TRUST, DATED MAY 7,  
18 1999, AND ANY AMENDMENTS THERETO ET AL  
19 AS TO AN UNDIVIDED \$1,270,000.00 INTEREST,

17 DATED: December 8, 2009 LUCE, FORWARD, HAMILTON & SCRIPPS LLP

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21 By: /s/Michael A. Isaacs, Esq., CSBN 99782  
22 MICHAEL A. ISAACS  
23 Attorneys for Appellee DAVID A. BRADLOW,  
24 Chapter 11 Trustee

24 PURSUANT TO STIPULATION IT IS SO ORDERED

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26 Dated: 12/10/09

  
26 SAUNDRA B. ARMSTRONG,  
27 JUDGE OF THE UNITED STATES DISTRICT COURT  
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