

1 MICHAEL A. GEVERTZ, ESQ. (SBN 127711)  
ELEANOR M. ROMAN, ESQ. (SBN 178736)  
2 Soderquist Law Offices  
351 California St., Suite 550  
3 San Francisco, California 94104  
Telephone: (415) 262-0062  
4 Facsimile: (415) 394-6390

5 Attorneys for Plaintiff  
CEP Emery Tech Investors LLC  
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8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT  
10 OAKLAND

11 CEP Emery Tech Investors LLC,

12 Plaintiff,

13 v.

14 JPMORGAN CHASE BANK, N.A.,

15 Defendant.  
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18  
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Case No. C 09-04409 SBA

**NOTICE OF CHANGE OF COUNSEL;  
STIPULATION;  
~~PROPOSED~~ ORDER.**

**Civil L.R. 7-12  
GENERAL ORDER NO. 45 IV.C.5**

Complaint Filed: February 26, 2009  
Trial Date: None

Judge: Hon. Sandra Brown Armstrong

20 JPMORGAN CHASE BANK, N.A.,  
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22 Cross-Complainant,  
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24 v.  
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26 FEDERAL DEPOSIT INSURANCE  
CORPORATION AS RECEIVER FOR  
WASHINGTON MUTUAL BANK,  
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28 Cross-Defendant.

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THE COURT AND ALL PARTIES ARE HEREBY NOTIFIED THAT:

Plaintiff, CEP Emery Tech Investors, LLC ("Plaintiff" or "Emery Tech") makes the following change of counsel:

Emery Tech's former counsel of record were: Frank T. Pepler, Esq., Erin Jane Illman, Esq., Pepler Mastromonaco LLP.

Emery Tech's new counsel of record are: Michael A. Gevertz, Esq., Eleanor M. Roman, Esq., Soderquist Law Offices, 351 California Street, Suite 550, San Francisco, California 94104, Telephone: (415) 374-8500; facsimile (415) 394-6390.

This Notice may be executed in counterparts.

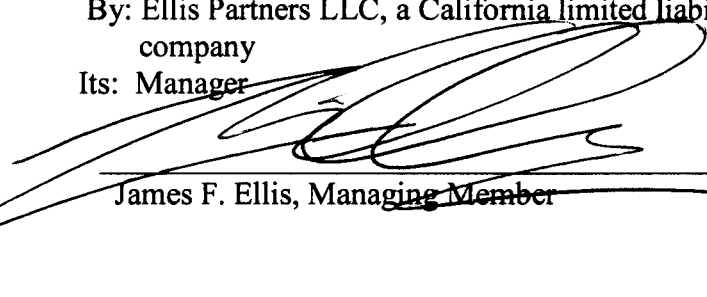
I consent to this change of counsel.

Date: April 1, 2010

CEP EMERY TECH INVESTORS, LLC  
a Delaware limited liability company

By: EPI Emery Tech Investors LLC,  
a California limited liability company  
Its: Manager


By: Ellis Partners LLC, a California limited liability  
company  
Its: Manager

  
James F. Ellis, Managing Member

I consent to this change of counsel.

Date: April \_\_\_\_, 2010

PEPLER MASTROMONACO, LLP

  
Peter A. Mastromonaco, Esq.

I consent to this change of counsel.

Date: April \_\_\_\_, 2010

SODERQUIST LAW OFFICES

  
Eleanor M. Roman, Esq.

1 THE COURT AND ALL PARTIES ARE HEREBY NOTIFIED THAT:

2 Plaintiff, CEP Emery Tech Investors, LLC ("Plaintiff" or "Emery Tech") makes the  
3 following change of counsel:

4 Emery Tech's former counsel of record were: Frank T. Pepler, Esq., Erin Jane Illman,  
5 Esq., Pepler Mastromonaco LLP.

6 Emery Tech's new counsel of record are: Michael A. Gevertz, Esq., Eleanor M. Roman,  
7 Esq., Soderquist Law Offices, 351 California Street, Suite 550, San Francisco, California 94104,  
8 Telephone: (415) 374-8500; facsimile (415) 394-6390.

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Its: Manager

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17 Its: Manager

18 \_\_\_\_\_  
James F. Ellis, Managing Member

19 I consent to this change of counsel.

20 Date: April 1, 2010

PEPLER MASTROMONACO, LLP

21   
22 Peter A. Mastromonaco, Esq.

23 I consent to this change of counsel.

24 Date: April \_\_\_, 2010

SODERQUIST LAW OFFICES

25 \_\_\_\_\_  
Eleanor M. Roman, Esq.

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Date: April 1, 2010

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Its: Manager

By: Ellis Partners LLC, a California limited liability  
company  
Its: Manager

---

James F. Ellis, Managing Member

I consent to this change of counsel.

Date: April \_\_\_\_, 2010

PEPLER MASTROMONACO, LLP

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Peter A. Mastromonaco, Esq.

I consent to this change of counsel.

Date: April 2, 2010

SODERQUIST LAW OFFICES



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Eleanor M. Roman, Esq.


1  
2 **STIPULATION**

3 The following parties to this action, by and through their counsel of record hereby  
4 stipulate and agree to the foregoing change of counsel.

5 This Stipulation and Agreement may be executed in counterparts.

6 IT IS SO STIPULATED AND AGREED.

7 MORGAN, LEWIS & BOCKIUS

8   
9 Kathleen M. Waters, Attorneys for defendant  
10 JPMorgan Chase Bank, N.A.

11 LIVINGSTON LAW FIRM

12  
13 Jason George Gong, Attorneys for third party  
14 cross- defendant Federal Deposit Insurance  
15 Corporation, as Receiver for

16 **ORDER**

17 Based on the Notice of Change of Counsel, and the Stipulation and Agreement thereto  
18 above, IT IS HEREBY ORDERED THAT counsel of record for Plaintiff, CEP Emery Tech  
19 Investors, LLC shall be changed to Michael A. Gevertz, Esq. and Eleanor M. Roman, Esq.  
20 Soderquist Law Offices, 351 California Street, Suite 550, San Francisco, CA 94104. Telephone:  
21 415-262-0062; facsimile: 415-394-6390.

22  
23 IT IS SO ORDERED.

24 4-12-10

25   
26 Hon. Sandra Brown Armstrong  
27  
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1  
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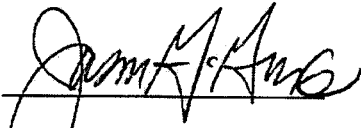
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10 Kathleen M. Waters, Attorneys for defendant  
JPMorgan Chase Bank, N.A.

11 LIVINGSTON LAW FIRM

12  4/2/10  
13  
14 Jason George Gong, Attorneys for third party  
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22 415-262-0062; facsimile: 415-394-6390.

23  
24 IT IS SO ORDERED.

25  
26  
27 Hon. Sandra Brown Armstrong  
28

1  
2 CERTIFICATE OF SERVICE

3 (28 U.S.C. § 1746)

4 I, Judy Hunter, hereby declare under penalty of perjury under the laws of the  
5 United States of America that the following facts are true and correct:

6 I am a citizen of the United States, over the age of 18 years, and not a party to or  
7 interested in the within entitled cause. I am an employee of Soderquist Law Offices and my  
8 business address is 351 California Street, Suite 550, San Francisco, CA 94104.

9 On April 5, 2010, I caused the following documents to be served:

10 **NOTICE OF CHANGE OF COUNSEL; STIPULATION;  
11 [PROPOSED] ORDER.**

12 In the following manner:

13 ☐ **By Placing For Collection And Mailing.** I placed copies of said document(s) for  
14 collection and mailing on the date and at the place shown above following our ordinary business  
15 practice. I am readily familiar with this firm's practice for collecting and processing  
16 correspondence for mailing. On the same day that correspondence is placed for collection and  
17 mailing, it is deposited in the ordinary course of business in the United States mail in a sealed  
18 envelope, with postage fully prepaid. The documents were addressed as follows:

19 ☐ **By Hand Delivery.** I enclosed a true and correct copy of the above-entitled document(s)  
20 in an envelope and caused such envelope to be delivered by hand to the office of the addressee,  
21 as follows:

22 ☐ **By Express Mail.** I deposited copies of said document(s) in a post office, mailbox,  
23 subpost office substation, mail chute or other like facility regularly maintained by the United  
24 States Postal Service for receipt of Express Mail, in a sealed envelope, with Express Mail postage  
25 fully prepaid, addressed as follows:

26 ☐ **By Overnight Delivery Or Express Service Carrier.** I deposited copies of said  
27 document(s) in a box or other facility regularly maintained by the overnight delivery service or  
28 express service, or by delivering them to an authorized courier or driver authorized by the  
overnight delivery or express service to receive documents, in an envelope or package designated  
by the overnight delivery or express service carrier, with delivery fees paid or provided for,  
addressed as follows:

☐ **By Fax.** On the above date at \_\_\_\_\_, from sending facsimile number (415) 978-9862 at  
the address shown above, I transmitted copies of said document(s), bearing a notation of the  
facsimile telephone number(s) to which they were transmitted, to a facsimile machine maintained  
by the person(s) listed below, at the facsimile machine telephone number last given by them. The  
transmission was reported as complete and without error, and a copy of the transmission report(s)  
issued by the transmitting facsimile machine is attached hereto.

26 ☒ **By Email (electronic service).** Based on a court order or agreement of the parties to  
27 accept service by electronic transmission, I caused said document(s) to be served by email to the  
28 parties indicated below, to the indicated email addresses. I did not receive, within a reasonable  
time after the transmission, any electronic message or other indication that the transmission was  
unsuccessful.

1 ***Counsel for Defendant and Third Party***  
2 ***Plaintiff JP Morgan:***

3 Neal Samuel Salisian  
4 Kathleen Waters  
5 Morgan, Lewis & Bockius  
6 300 So. Grand Ave., 22nd Fl.  
7 Los Angeles, CA 90071-3132  
8 Tel: 213 612 7375  
9 Fax: 213 612 2501  
10 kwaters@morganlewis.com

***Counsel for Third Party Defendant Federal***  
***Deposit Insurance Corporation:***

Jason George Gong  
Renee Welze Livingston  
Livingston Law Firm  
1600 South Main Street, Suite 280  
Walnut Creek, CA 94596  
Tel: (925) 952-9880  
Fax: (925) 952-9881  
email: [jgong@livingstonlawyers.com](mailto:jgong@livingstonlawyers.com)  
email: [rlivingston@livingstonlawyers.com](mailto:rlivingston@livingstonlawyers.com)

11 ***Former Counsel for Plaintiff, CEP Emery***  
12 ***Tech Investors, LLC:***

13 Frank T. Pepler, Esq.  
14 Peter A. Mastromonaco, Esq.  
15 Pepler Mastromonaco LLP  
16 100 First St., 25<sup>th</sup> floor  
17 San Francisco, CA 94105  
18 Tel: 415-978-9860  
19 frank.pepler@dlapiper.com

20 Executed on April 5, 2010, at San Francisco, California.

21   
22 \_\_\_\_\_  
23 Judy Hunter