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7 REALTY

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

12 FEDERAL DEPOSIT INSURANCE  
CORPORATION as Receiver for  
13 INDYMAC BANK, F.S.B.,

14 Plaintiff,

15 vs.

16 JUDITH JAMELLE WILLIAMS, et al.,

17 Defendants.

CASE NO. C 11-3367 PJH

**[PROPOSED] ORDER AND  
STIPULATION TO CONTINUE CASE  
MANAGEMENT CONFERENCE**

19 **TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:**

20 Pursuant to Civil L.R. 6-2, this Stipulation to continue Case Management Conference is  
21 entered into by and between the parties that have appeared in the action and their respective  
22 counsel of record, Vanessa H. Widener and Jennifer S. Muse for Plaintiff FEDERAL DEPOSIT  
23 INSURANCE CORPORATION as Receiver for INDYMAC BANK, F.S.B. (“Plaintiff”) and K.  
24 Nina Reynolds for Defendant MASON-MCDUFFIE REAL ESTATE, INC., formerly known as  
25 PRUDENTIAL CALIFORNIA REALTY (“Mason-McDuffie”), erroneously sued herein as  
26 “MASON-MCDUFFIE REAL ESTATE, INC., doing business as PRUDENTIAL BETTER  
27 HOMES AND GARDENS REAL ESTATE MASON MCDUFFIE”. Plaintiff and Mason-  
McDuffie will sometimes hereinafter be referred to collectively as “the Parties”.

1           1.       WHEREAS, on July 8, 2011, Plaintiff filed a Summons and Complaint in this  
2 action;

3           2.       WHEREAS, Plaintiff's Proof of Service shows that Mason-McDuffie was served  
4 with the Summons and Complaint by substituted service on September 16, 2011;

5           3.       WHEREAS, by stipulation of the Parties, Mason-McDuffie received an extension  
6 of time and filed an Answer to Plaintiff's Complaint on November 7, 2011;

7           4.       WHEREAS, on or about August 11, 2011, prior to Mason-McDuffie having been  
8 served with the Summons and Complaint, this Court issued an Order Setting Case Management  
9 Conference with said conference being set for December 1, 2011, in Oakland, California at 2:00  
10 p.m.;

11          5.       WHEREAS, counsel for Mason-McDuffie has a hearing in another case on  
12 December 1, 2011, in the Superior Court of California, Alameda County, in Hayward, California  
13 at 2:30 p.m.;

14          6.       WHEREAS, counsel for Mason-McDuffie has a trial in the Superior Court of  
15 California, Alameda County, beginning January 6, 2012 and expected to continue for three  
16 weeks;

17          7.       WHEREAS, Defendant JUDITH JAMELLE WILLIAMS ("Williams") was  
18 previously a real estate agent for Mason-McDuffie, but Mason-McDuffie is currently unaware of  
19 the whereabouts of Williams;

20          8.       WHEREAS, the Parties have been making diligent efforts to locate Williams, and  
21 Plaintiff intends to re-attempt service of the Summons and Complaint on Williams;

22          9.       WHEREAS, the Parties wish to allow additional time for Williams to have the  
23 opportunity to appear in the action prior to all parties entering into agreements regarding  
24 scheduling and other issues as required by Court Orders, the Local Rules of Court and the Federal  
25 Rules of Civil Procedure;

26          10.       WHEREAS, the Parties have agreed to meet and confer for the early conference of  
27 counsel on or before November 18, 2011;

11.       WHEREAS, the requested time modification will have a minimal effect on the

1 overall schedule for the case.

2 NOW, THEREFORE, the Parties hereby stipulate as follows:

3 1. That the Case Management Conference currently scheduled for December 1, 2011,  
4 shall be continued to March 1, 2012, or another date to be selected by the Court.

5 The Parties respectfully request that the Court approve this Stipulation.

6  
7  
8 Dated: November 14, 2011

ANDERSON, MCPHARLIN & CONNERS LLP

9  
10  
11 By \_\_\_\_\_ /s/

Jennifer S. Muse

[jsm@amclaw.com](mailto:jsm@amclaw.com)

12 Attorneys for Plaintiff FEDERAL DEPOSIT  
13 INSURANCE CORPORATION as Receiver for  
14 INDYMAC BANK, F.S.B.

15 Dated: November 14, 2011

PETERSON MARTIN & REYNOLDS LLP

16  
17  
18 By  \_\_\_\_\_

K. Nina Reynolds

[nreynolds@pmrlegal.com](mailto:nreynolds@pmrlegal.com)

19 Attorneys for Defendant MASON-MCDUFFIE  
20 REAL ESTATE, INC., fka PRUDENTIAL  
21 CALIFORNIA REALTY

22 Pursuant to Stipulation, and good cause appearing, the Case Management Conference  
23 previously scheduled for December 1, 2011, is continued to  
24 March 1, 2012 at 2:00 p.m.

25 IT IS SO ORDERED.

26  
27 DATED: November 16, 2011

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PHYLLIS J. HAMILTON  
United States District Court Judge

