

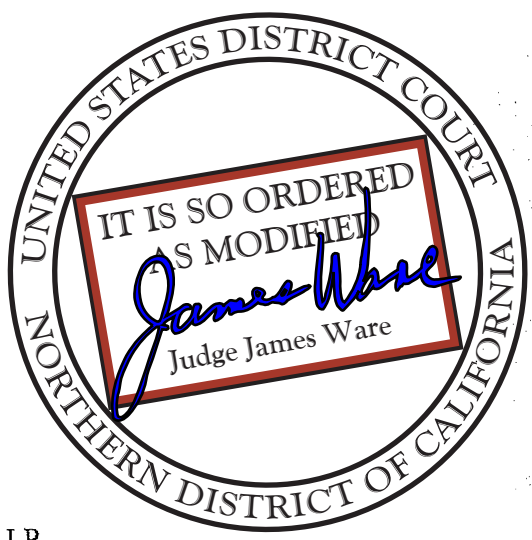
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 15 BAYERISCHE HYPO-UND VEREINSBANK AG
 and HVB U.S. FINANCE, INC.



17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA

20 JOHN C. REZNER, an individual,
 21 Plaintiff,
 22 v.
 23 BAYERISCHE HYPO-UND VEREINSBANK
 24 AG, a corporation; HVB STRUCTURED
 FINANCE, INC., a corporation; and DOES ONE
 25 THROUGH THIRTY, inclusive;
 26 Defendants.

Case No. 06-2064 JW

STIPULATION AND
~~PROPOSED~~ ORDER
 REGARDING DAMAGES
 BRIEFING

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WHEREAS, the Court has ordered that the parties file briefs on the issue of available damages by May 12, 2009;

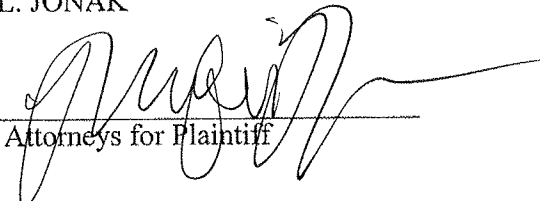
WHEREAS, the parties have been discussing the possibility of resolving the remaining issues left in this case, including damages issues, by means of a stipulated judgment;

WHEREAS, the parties agree that an additional day in which to resolve these issues and submit damages briefing would be productive and in the interests of judicial economy by eliminating or narrowing the damages and other issues in dispute;

Therefore, Plaintiff John C. Rezner ("Plaintiff") and Defendants Bayerische Hypo- und Vereinsbank AG and HVB U.S. Finance Inc. (f/k/a HVB Structured Finance, Inc.) (collectively "HVB"), by through their respective counsel of record, hereby respectfully request that the Court extend the time for damages briefing until May 13, 2009.

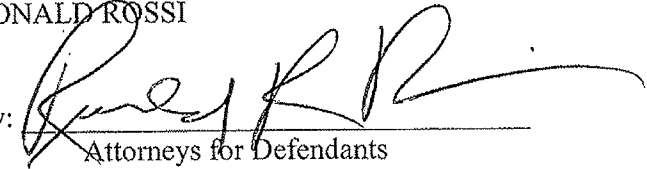
Dated: May 12, 2009

LUKENS LAW GROUP
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By: 
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Dated: May 12, 2009

KASOWITZ, BENSON, TORRES & FRIEDMAN
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James Ware
~~PROPOSED~~ ORDER

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The Court is encouraged that the parties are in settlement discussion to resolve this case short of trial. Accordingly, the Court GRANTS the parties' Stipulation. However, in the event that the parties' efforts are not fruitful, the Court requires sufficient time to evaluate the parties' briefs regarding available damages. Thus, the briefs shall be submitted on **May 13, 2009 by 3 p.m.**

Dated: May 12, 2009

James Ware

Hon. James Ware
United States District Court
Northern District of California