

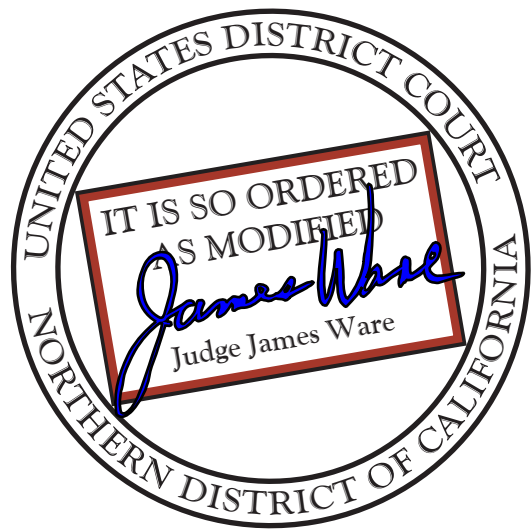
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 25 BAYERISCHE HYPO-UND VEREINSBANK AG
 26 and HVB U.S. FINANCE, INC.



27 **UNITED STATES DISTRICT COURT**
 28 **NORTHERN DISTRICT OF CALIFORNIA**

29 JOHN C. REZNER, an individual,
 30
 31 Plaintiff,

32 v.

33 BAYERISCHE HYPO-UND VEREINSBANK
 34 AG, a corporation; HVB STRUCTURED
 35 FINANCE, INC., a corporation; and DOES ONE
 36 THROUGH THIRTY, inclusive;
 37
 38 Defendants.

Case No. 06-2064 JW

STIPULATION AND
[Proposed] ORDER
REGARDING CONSENT
JUDGMENT AND PARTIAL
SETTLEMENT

Lukens Law Group
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1 WHEREAS, the Court has ordered that trial commence in this action on Tuesday,
2 May 19, 2009;

3 WHEREAS, the parties have agreed upon terms for a stipulated judgment and
4 partial settlement that will eliminate the need for a trial;

5 WHEREAS, the parties hope to reduce their agreement to a final memorialization
6 by Friday, May 22, 2009;

7 WHEREAS, the parties intend to jointly apprise the Court of the status of these
8 efforts by Friday, May 22, 2009;

9 THEREFORE, Plaintiff John C. Rezner (“Plaintiff”) and Defendants Bayerische
10 Hypo- und Vereinsbank AG and HVB U.S. Finance Inc. (f/k/a HVB Structured Finance,
11 Inc.) (collectively “HVB”), by through their respective counsel of record, hereby
12 respectfully request that the Court adjourn the start of trial in this matter from Tuesday,
13 May 19, 2009 until Tuesday, May 26, 2009, and all other pending deadlines, to permit
14 them time to complete this process.

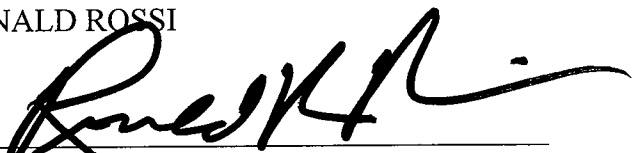
15
16 Dated: May 14, 2009

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17
18 By:  / RRR
19 Attorneys for Plaintiff

20
21 Dated: May 14, 2009

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~~PROPOSED~~ ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED that:

In light of the parties' presentation, the Court VACATES all trial dates. The Court orders the Clerk of Court to terminate all pending motions. The parties shall file a Stipulated Judgment and Dismissal on or before **May 22, 2009 by 3 p.m.** The parties shall appear for a Status Conference re: Settlement on **June 1, 2009 at 9 a.m.** If no Stipulated Dismissal is on filed on May 22, 2009, the parties shall file a Joint Status Statement to update the Court on their efforts to reduce their settlement to a writing.

Dated: May 15, 2009



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