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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re  
COMUNITY LENDING, INCORPORATED,  
a California corporation (plus dbas of the  
Debtor),  
Debtor.

Case No. 08-00201 JW  
Case No. 07-05436 JW

The Honorable James Ware

[Bankr. Case No. 08-50030 CN  
The Honorable Charles Novack  
Chapter 7, Adversary Proceeding No. 08-  
05006]

MAI CHRISTINA PHAM, et al.  
Plaintiffs,  
v.  
COMUNITY LENDING INCORPORATED,  
a California corporation, and Does 1 through  
10, inclusive  
Defendants.

**ORDER OF DISMISSAL BASED UPON  
STIPULATION AND SETTLEMENT**

AND RELATED CROSS-ACTIONS

Based on the settlements among the parties, the Stipulation to Dismiss Top Hat Cases  
According to Settlements (filed concurrently herewith), the Bankruptcy Court's approval of the  
Top Hat Settlements on August 8, 2011, and for good cause appearing,

IT IS HEREBY ORDERED as follows:

- 1. (a) All of the claims and causes of action in Case Nos. 08-00201JW and 07-

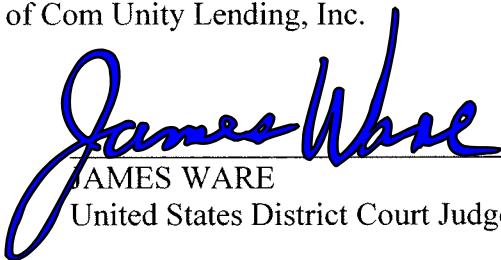
1 05436JW by the Nelson Group against the Trustee are dismissed with prejudice; (b) all of the  
2 claims and causes of action by the Trustee against the Nelson Group in Case Nos. 08-00201JW  
3 and 07-05436JW are dismissed with prejudice; and (c) the Trustee and the Nelson Group shall  
4 bear their own costs and attorney's fees.

5 2. (a) All of the claims and causes of action in Case Nos. 08-00201JW and 07-  
6 05436JW by the Pham Parties against the Trustee are dismissed with prejudice, but subject to  
7 paragraphs 3(a) and 3(b) of the settlement agreement between the Pham Parties and the Trustee;  
8 (b) all claims and causes of action by the Trustee against the Pham Parties in Case Nos. 08-  
9 00201JW and 07-05436JW are dismissed with prejudice, but subject to paragraphs 3(a) and 3(b)  
10 of the settlement agreement between the Pham Parties and the Trustee; and (c) the Trustee and  
11 the Pham Parties shall bear their own costs and attorney's fees except as specifically and expressly  
12 provided for in the settlement agreement between the Trustee and the Pham Parties.

13 3. There are no remaining claims to be adjudicated in Case Nos. 08-00201JW and 07-  
14 05436JW.

15 For purposes of this Order, the term "Pham Parties" means Plaintiffs Mai Christina Pham,  
16 John Pham, Mai Nguyen, Hung Perry Nguyen, Joyce Freeman, and Christopher Hake; the term  
17 "Nelson Group" means Counter-defendants John Nelson, Janene Towner, Phyllis Christich,  
18 Phyllis Heinricks, Katharine Buckmeyer, Jack Ferguson, and Jeannine Rupert; and the term  
19 "Trustee" means Defendant and Counter-claimant John W. Richardson, Chapter 7 Trustee for  
20 Com Unity Lending, Inc. and the estate of Com Unity Lending, Inc.

21  
22 DATED: August 31, 2011

  
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JAMES WARE  
United States District Court Judge

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