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ANNETTE D. KIRKHAM (STATE BAR NO. 217958)  
annettek@lawfoundation.org  
FAIR HOUSING LAW PROJECT  
111 West Saint John Street, #315  
San Jose, CA 95113  
Telephone: (408) 280-2410  
Facsimile: (408) 293-0106

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

HOWARD MULLINS,

Plaintiff,

v.

METROCITIES MORTGAGE dba NO  
RED TAPE MORTGAGE, a California  
Corporation, EVERHOME MORTGAGE  
COMPANY, a Florida Corporation and  
EMC MORTGAGE CORPORATION, a  
Texas Corporation

Defendants.

Case No. C07-06021 JF

NOTICE OF SETTLEMENT AND  
STIPULATION OF DISMISSAL WITH  
PREJUDICE BETWEEN HOWARD  
MULLINS AND EMC MORTGAGE  
CORPORATION, SUBJECT TO  
SETTLEMENT AGREEMENT;  
~~PROPOSED~~ ORDER

1 Plaintiff Howard Mullins and Defendant EMC Mortgage Corporation have reached a  
2 settlement in this matter. Therefore, Mr. Mullins and EMC Mortgage Corporation hereby  
3 apply for and stipulate to issuance of an order dismissing this action with prejudice as to  
4 Defendant EMC Mortgage Corporation, subject to the terms of the settlement agreement  
5 executed by these parties.

6  
7 IT IS SO STIPULATED.

8  
9 Dated: January 8, 2009

FAIR HOUSING LAW PROJECT

10  
11 /s/ \_\_\_\_\_  
Annette D. Kirkham  
12 Attorneys for Plaintiff

13  
14 Dated: January 8, 2009

SEVERSON & WERSON

15  
16 /s/ \_\_\_\_\_  
Regina J. McClendon  
17 Attorneys for Defendant  
EMC MORTGAGE CORPORATION

18  
19 ATTESTATION PURSUANT TO GENERAL ORDER 45

20 I, Annette D. Kirkham, attest that concurrence in the filing of this document has been  
21 obtained from each of the signatories. I declare under penalty of perjury under the laws of  
22 the United States of America that the foregoing is true and correct. Executed on January  
8, 2009, at San Jose, California.

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24 \_\_\_\_\_/s/ \_\_\_\_\_  
Annette D. Kirkham

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[PROPOSED] ORDER

Based upon the foregoing application and stipulation and good cause appearing, it is hereby ordered that this action is dismissed with prejudice as to Defendant EMC Mortgage Corporation subject to the terms of the settlement agreement executed by Howard Mullins and EMC Mortgage Corporation.

Dated: 1/14/09

  
\_\_\_\_\_  
United States District Judge Jeremy Fogel