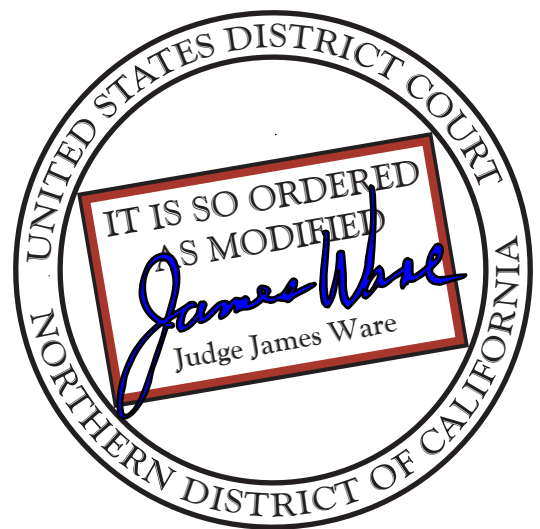


1 Elizabeth Smith-Chavez (SBN 082900)
 2 SELTZER CAPLAN MCMAHON VITEK
 3 A Law Corporation
 4 750 B Street, 2100 Symphony Towers
 San Diego, California 92101-8177
 Telephone: (619) 685-3003
 Facsimile: (619) 685-3100

5 Attorneys for Plaintiff/Counter-Defendant
 6 VESTA STRATEGIES, LLC and
 Third Party Defendant JOHN TERZAKIS



8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 VESTA STRATEGIES, LLC,
 12 Plaintiff,

13 vs.

14 ROBERT E. ESTUPINIAN, GINNY
 15 ESTUPINIAN, MUTUAL VISION, LLC,
 16 MILLENNIUM REALTY GROUP, VESTA
 17 REVERSE 100, LLC, VESTA CAPITAL
 ADVISORS, LLC, CAROL-ANN
 TOGNAZZINI, EDMUNDO ESTUPINIAN
 and HAYDEE ESTUPINIAN,
 18 Defendants.

CASE NO. C-07-06216 JW RS

STIPULATION AND [Proposed] ORDER RE BRIEFING SCHEDULE FOR PLAINTIFF/COUNTER-DEFENDANT VESTA STRATEGIES, LLC'S AND THIRD PARTY DEFENDANT JOHN TERZAKIS' MOTIONS TO SET ASIDE ENTRY OF DEFAULT JUDGMENT AND MOTION TO SET ASIDE ENTRY OF DISMISSAL

DATE: November 24, 2008
 TIME: 9:00 a.m.
 DEPT: 8
 JUDGE: Honorable James Ware
 COMPLAINT FILED: December 7, 2007

22 AND RELATED COUNTER AND THIRD PARTY CLAIMS

23 Plaintiff and Defendants hereby stipulate as follows:

- 24 1. Plaintiff/Counter-Defendant VESTA STRATEGIES, LLC ("Vesta") and Third-
 25 Party Defendant JOHN TERZAKIS ("Terzakis") has filed a Motion to Set Aside Default
 26 Judgment taken by Mutual Vision, LLC, et al., a Motion to Set Aside Default Judgment taken
 27 by Carol-Ann Tognazzini, and a Motion to Set Aside Entry of Dismissal.
- 28 2. The hearing on these motions is set for November 24, 2008.

- 1 3. The parties have agreed to and hereby stipulate to the following briefing schedule
2 for motions:
- 3 a. Defendants' opposition papers shall be filed no later than November 14, 2008.
4 b. Vesta's and Terzakis' reply shall be filed no later than November 17, 2008.
5 4. The parties shall serve their papers by the Electronic Case Management System.

6
7 Dated: November 3, 2008

SELTZER CAPLAN MCMAHON VITEK
A Law Corporation

8
9 By: _____ /s/
Elizabeth Smith-Chavez
10 ATTORNEYS FOR Plaintiff/Counter-Defendant
11 VESTA STRATEGIES, LLC and Third Party
12 Defendant JOHN TERZAKIS

13 Dated: November 3, 2008

RANDICK O'DEA & TOOLIATOS, LLP

14 By: Kevin R. Martin
15 Kevin R. Martin, Esq.
16 ATTORNEYS FOR Defendants ROBERT
17 ESTUPINIAN, ET AL.

18 Dated: November 3, 2008

WILLOUGHBY, STUART & BENING, INC.

19 By: _____
20 Ronald J. Cook, Esq.
21 ATTORNEYS FOR Counter-Claimant/Third-
22 Party Plaintiff Carol-Ann Tognazzini

ORDER

23 The Court finds good cause to adopt the parties' Stipulation with the slight
24 modification regarding the due date for the reply. In addition, because the briefing
25 schedule proposed by the parties does not provide sufficient time for the Court to
26 evaluate the papers prior to the hearing date, the Court CONTINUES the hearing
from November 24, 2008 to **December 1, 2008 at 9 a.m.**

27 Dated: November 7, 2008

28 James Ware
JAMES WARE
United States District Judge