

1 LORI E. ANDRUS (SBN 205816)
 MICHA STAR LIBERTY (SBN 215687)
 2 JENNIE LEE ANDERSON (SBN 203586)
 ANDRUS LIBERTY & ANDERSON LLP
 3 1438 Market Street
 San Francisco, CA 94102
 4 Telephone: (415) 896-1000
 Fax: (415) 896-2249
 5 lori@libertylaw.com
 6 micha@libertylaw.com
jennie@libertylaw.com

7 *Attorneys for Plaintiff and the Proposed Class*
 8 (Additional counsel appear on signature page)

9 ROLAND P. REYNOLDS (SBN 150864)
 PALMER, LOMBARDI & DONOHUE LLP
 10 888 West 6th Street, 12th Floor
 Los Angeles, CA 90017
 11 Telephone: (213) 688-0430
 12 Fax: (213) 688-0440
rreynolds@pldlawyers.com

13 *Attorneys for Defendants* MORTGAGE INVESTORS
 14 GROUP, INC., and MORTGAGE INVESTORS GROUP,
 15 A General Partnership

16 UNITED STATES DISTRICT COURT
 17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 18 SAN JOSE DIVISION

19	JAY J. RALSTON, On Behalf Of Himself)	Civil Case No. CV 08-00536 JF
20	And All Others Similarly Situated;)	
21)	STIPULATION TO CHANGE THE
22	Plaintiff,)	ALTERNATIVE DISPUTE RESOLUTION
23	vs.)	PROCESS
24)	
25	MORTGAGE INVESTORS GROUP,)	
26	INC., MORTGAGE INVESTORS)	
27	GROUP, a general partnership, and DOES)	
28	1 -10,)	
	Defendants.)	

1 This Stipulation is entered into by and among Plaintiff JAY J. RALSTON (“Plaintiff”), and
2 Defendants MORTGAGE INVESTORS GROUP, INC. and MORTGAGE INVESTORS GROUP
3 (“Defendants”), as follows:

4 1. WHEREAS, the parties initially selected an Early Neutral Evaluation as their
5 alternative dispute resolution process in this action;

6 2. WHEREAS, the Court ordered the parties to complete the Early Neutral Evaluation by
7 August 7, 2008;

8 3. WHEREAS, on July 17, 2008, the Evaluator conducted an ENE teleconference call
9 with counsel for all parties;

10 4. WHEREAS, at the ENE teleconference, counsel for the parties agreed that mediation
11 of the dispute with a mutually agreed upon private mediator may be the most potentially productive
12 alternative dispute resolution in this case.

13 5. WHEREAS, the Court extended the deadline by which the parties must participate in
14 mediation from October 15, 2008 to December 18, 2008 and again from December 18, 2008 to
15 January 30, 2008, while the parties continued to meet and confer regarding the documents and
16 information to be produced in advance of the mediation and Defendants’ responses to Plaintiff’s
17 discovery;

18 6. WHEREAS, the parties have explored the possibility of private mediation for six
19 months and are at an impasse regarding what information should be exchanged in advance of such
20 mediation, who should bear the cost of such mediation, whether the parties have exhausted the ADR
21 process, and whether private mediation is premature at this time; and

22 7. WHEREAS, the parties believe that a court-appointed mediator would be the most
23 productive method of narrowing the issues and completing the ADR process at this time.

24 NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, through their
25 respective counsel, that the parties shall participate in mediation with a court-appointed mediator
26 pursuant to ADR L.R. 6 by January 30, 2009 and jointly request that this Court appoint a mediator
27 accordingly. Because the parties’ positions are such that resolution of the case at this early juncture

1 is unlikely, the parties further stipulate that the parties need not attend the mediation and may be
2 represented by their respective counsel.

3
4 Dated: January 6, 2009

PALMER, LOMBARDI & DONOHUE LLP

5
6 By: /s/ Roland P. Reynolds, Esq.
7 ROLAND P. REYNOLDS, Esq.

8 888 West 6th Street, 12th Floor
9 Los Angeles, CA 90017
10 Telephone: (213) 688-0430
11 Fax: (213) 688-0440
12 rreynolds@pldlawyers.com
13 *Attorneys for Defendants* MORTGAGE
14 INVESTORS GROUP, INC. and MORTGAGE
15 INVESTORS GROUP

16
17 Dated: January 6, 2009

ANDRUS LIBERTY & ANDERSON LLP

18 By: /s/ Jennie Lee Anderson
19 Jennie Lee Anderson

20 1438 Market Street
21 San Francisco, CA 94102
22 Telephone: (415) 896-1000
23 Facsimile: (415) 896-2249
24 lori@libertylaw.com
25 micha@libertylaw.com
26 jennie@libertylaw.com

27 David M. Arbogast, Esq. (SBN 167571)
28 Jeffrey K. Berns (SBN 131351)
ARBOGAST & BERNS LLP
19510 Ventura Boulevard, Suite 200
Tarzana, California 91356
Telephone: (818) 961-2000
Facsimile: (818) 867-4820
jberns@jeffbernsllaw.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Paul R. Kiesel, Esq. (SBN 119854)
Patrick DeBlase, Esq. (SBN 167138)
Michael C. Eyerly, Esq. (SBN 178693)
KIESEL BOUCHER LARSON LLP
8648 Wilshire Boulevard
Beverly Hills, California 90211
Telephone: (310) 854-4444
Facsimile: (310) 854-0812
kiesel@kbla.com
deblase@kbla.com
eyerly@kbla.com

*Attorneys for Plaintiff and the Proposed
Class*

1 **ECF CERTIFICATION**

2 Pursuant to General Order No. 45, § X.B., the filing attorney attests that she has obtained
3 concurrence regarding the filing of this document from the signatories to the document.

4
5 Dated: January 6, 2009

/s/ Jennie Lee Anderson
Jennie Lee Anderson

7 ANDRUS LIBERTY & ANDERSON LLP
1438 Market Street
8 San Francisco, CA 94102
Telephone: (415) 896-1000
9 Facsimile: (415) 896-2249
10 jennie@libertylaw.com
11 *Attorneys for Plaintiff and the Proposed Class*

12
13
14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on January 6, 2009, I electronically filed the above document using the
16 CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the
17 attached Electronic Mail Notice List.

18 I certify under penalty of perjury under the laws of the United States of America that the
19 foregoing is true and correct.

20
21 Dated: January 6, 2009

/s/ Jennie Lee Anderson
Jennie Lee Anderson

22
23 ANDRUS LIBERTY & ANDERSON LLP
1438 Market Street
24 San Francisco, CA 94102
Telephone: (415) 896-1000
25 Facsimile: (415) 896-2249
jennie@libertylaw.com
26 *Attorneys for Plaintiff and the Proposed Class*

1 LORI E. ANDRUS (SBN 205816)
MICHA STAR LIBERTY (SBN 215687)
2 JENNIE LEE ANDERSON (SBN 203586)
ANDRUS LIBERTY & ANDERSON LLP
3 1438 Market Street
San Francisco, CA 94102
4 Telephone: (415) 896-1000
5 Fax: (415) 896-2249
lori@libertylaw.com
6 micha@libertylaw.com
jennie@libertylaw.com

7 *Attorneys for Plaintiff and the Proposed Class*
8 (Additional counsel appear on signature page)

9 ROLAND P. REYNOLDS (SBN 150864)
PALMER, LOMBARDI & DONOHUE LLP
10 888 West 6th Street, 12th Floor
Los Angeles, CA 90017
11 Telephone: (213) 688-0430
12 Fax: (213) 688-0440
rreynolds@pldlawyers.com

13 *Attorneys for Defendants* MORTGAGE INVESTORS
14 GROUP, INC., and MORTGAGE INVESTORS GROUP,
15 A General Partnership

16 UNITED STATES DISTRICT COURT
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 JAY J. RALSTON, On Behalf Of Himself)
20 And All Others Similarly Situated;)

21 Plaintiff,)

22 vs.)

23 MORTGAGE INVESTORS GROUP,)
24 INC., MORTGAGE INVESTORS)
GROUP, a general partnership, and DOES)
25 1 -10,)

26 Defendants.)
27)
28)

Civil Case No. CV 08-00536 JF

**[PROPOSED] ORDER CHANGING THE
ALTERNATIVE DISPUTE RESOLUTION
PROCESS**

1 Pursuant to the Court's Order of December 17, 2008, the parties are to complete mediation on
2 or before January 30, 2009. On January 6, 2009 the parties stipulated and requested an order from
3 this Court that such mediation be conducted with a court-appointed mediator, pursuant to ADR
4 L.R.6. The parties further stipulated that, because the parties' positions are such that complete
5 resolution of the case at this time is unlikely, the parties may be represented by counsel and not
6 required to personally attend the mediation.

7 **IT IS HEREBY ORDERED** that:

8 1. the parties shall complete mediation by January 30, 2008 with a mediator appointed by
9 this Court pursuant to ADR L.R. 6; and

10 2. the parties may be represented by counsel at the mediation and shall not be required to
11 personally attend.

12 **IT IS SO ORDERED.**

13 Dated: 1/7 2009

14 By: 

15 The Honorable Jeremy Fogel
16 United States District Judge

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 6, 2009, I electronically filed the above document using the
3 CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the
4 attached Electronic Mail Notice List.

5 I certify under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct.

7
8 Dated: January 6, 2009

/s/ Jennie Lee Anderson
Jennie Lee Anderson

9
10 ANDRUS LIBERTY & ANDERSON LLP
11 1438 Market Street
12 San Francisco, CA 94102
13 Telephone: (415) 896-1000
14 Facsimile: (415) 896-2249
15 jennie@libertylaw.com
16 *Attorneys for Plaintiff and the Proposed Class*
17
18
19
20
21
22
23
24
25
26
27
28