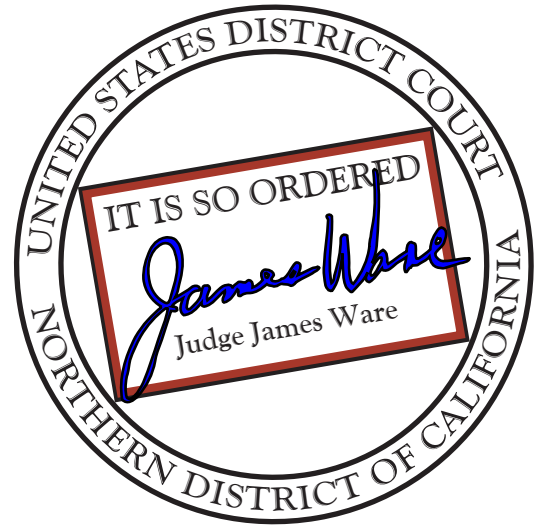


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13 Attorneys for Plaintiff
 14 CARLOS H. PEREZ



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

18 CARLOS H. PEREZ,

19 Plaintiff,

20 v.

21 GMAC MORTGAGE USA CORPORATION,
 22 A/K/A GMAC MORTGAGE, LLC, a Delaware
 23 corporation; MORTGAGE ELECTRONIC
 24 REGISTRATION SYSTEMS, INC., a
 25 Delaware corporation; EXECUTIVE
 26 TRUSTEE SERVICES, LLC, a Delaware
 27 limited liability company; GREENPOINT
 28 MORTGAGE FUNDING, INC., a New York
 corporation; ANDRUS & ASSOCIATES,
 INC., a California corporation; PAUL RAY
 ANDRUS, individually and in his official
 capacity; HOMECOMINGS FINANCIAL,
 LLC, a Delaware limited liability company;
 COUNTRYWIDE HOME LOANS, INC., a

Case No. C08-01972-JW-HRL

**NOTICE OF SETTLEMENT AND
 REQUEST TO CONTINUE
 PRELIMINARY PRETRIAL
 CONFERENCE**

**ORDER TO SHOW CAUSE RE:
 SETTLEMENT**

1 New York corporation; SOUTH PACIFIC
2 FINANCIAL CORPORATION, a California
3 corporation; RESIDENTIAL MORTGAGE
4 CAPITAL, D/B/A FIRST SECURITY LOAN;
5 a California corporation; JAMES JOHN
6 CHAPMAN, individually and in his official
7 capacity; LUIS G. BARRIOS, individually and
8 in his official capacity; ELIZABETH P.
9 CAMPOS, individually and in her official
10 capacity; and DOES 1 through 20, inclusive,

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Defendants.

COMES NOW the Plaintiff, CARLOS H. PEREZ, by and through his counsel, Fred W. Schwinn of the Consumer Law Center, Inc., and notifies the Court that this case has been conditionally settled. The parties have signed a settlement agreement calling for certain payments to be made through July 31, 2009. Once all payments under the settlement agreement have been paid, the parties will file a Stipulation of Dismissal with Prejudice in this case.

In light of the forgoing, Plaintiff requests that the Preliminary Pretrial Conference scheduled for July 13, 2009, be continued for 60 days to allow the parties time to consummate the settlement and file a stipulation dismissing this case.

1 Dated: June 15, 2009

/s/ Fred W. Schwinn
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14 ***** ORDER *****

15
16 On June 15, 2009, the Plaintiff notified the Court that the above-entitled matter has reached
17 a settlement. (See Docket Item No. 118.) In light of the settlement, the Court vacates all trial and
18 pretrial dates. On or before **August 17, 2009**, the parties shall file a stipulated dismissal pursuant to
19 Federal Rule of Civil Procedure 41(a).

20 If a dismissal is not filed by the specified date, all parties shall appear in Courtroom No. 8,
21 4th Floor, United States District Court, 280 South First Street, San Jose, Ca on **August 31, 2009 at 9**
22 **a.m.** and to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41
23 (b). On or before **August 17, 2009**, the parties shall file a joint statement in response to the Order to
24 Show Cause. The joint statement shall set forth the status of the activities of the parties for finalizing
25 the settlement and how much additional time is requested to finalize and file the dismissal. If a
26 voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be automatically
27 vacated.

28 Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss
this action.

Dated: July 1, 2009



JAMES WARE
United States District Judge