

1 Fred W. Schwinn (SBN 225575)
 2 CONSUMER LAW CENTER, INC.
 3 12 South First Street, Suite 1014
 4 San Jose, California 95113-2418
 Telephone Number: (408) 294-6100
 Facsimile Number: (408) 294-6190
 Email Address: fred.schwinn@sjconsumerlaw.com

5 Attorney for Plaintiff
 6 CARLOS H. PEREZ

7
 8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN JOSE DIVISION**

11 CARLOS H. PEREZ,
 12
 13 Plaintiff,
 14
 15 v.

Case No. C08-01972-JW-HRL

16 **STIPULATION OF DISMISSAL**
 17 **AND [PROPOSED] ORDER**

18 Fed. R. Civ. P. 41(a)(1)

19 GMAC MORTGAGE USA CORPORATION,
 20 A/K/A GMAC MORTGAGE, LLC, a Delaware
 21 corporation; MORTGAGE ELECTRONIC
 22 REGISTRATION SYSTEMS, INC., a
 23 Delaware corporation; EXECUTIVE
 24 TRUSTEE SERVICES, LLC, a Delaware
 25 limited liability company; GREENPOINT
 26 MORTGAGE FUNDING, INC., a New York
 27 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
 New York corporation; SOUTH PACIFIC
 FINANCIAL CORPORATION, a California
 corporation; RESIDENTIAL MORTGAGE
 CAPITAL, D/B/A FIRST SECURITY LOAN;
 a California corporation; JAMES JOHN
 CHAPMAN, individually and in his official
 capacity; LUIS G. BARRIOS, individually and
 in his official capacity; ELIZABETH P.
 CAMPOS, individually and in her official
 capacity; and DOES 1 through 20, inclusive,

28 Defendants.

1 Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiff, CARLOS H. PEREZ, and Defendants, GMAC
2 MORTGAGE USA CORPORATION, A/K/A GMAC MORTGAGE, LLC, EXECUTIVE TRUSTEE
3 SERVICES, LLC, GREENPOINT MORTGAGE FUNDING, INC., HOMECOMINGS FINANCIAL,
4 LLC, SOUTH PACIFIC FINANCIAL CORPORATION, RESIDENTIAL MORTGAGE CAPITAL,
5 D/B/A FIRST SECURITY LOAN and JAMES JOHN CHAPMAN, stipulate, and the Court hereby
6 orders, as follows:
7

8 1. The dispute between the stipulating parties has been settled, therefore, the claims
9 asserted by Plaintiff, CARLOS H. PEREZ, against Defendants, GMAC MORTGAGE USA
10 CORPORATION, A/K/A GMAC MORTGAGE, LLC, EXECUTIVE TRUSTEE SERVICES, LLC,
11 GREENPOINT MORTGAGE FUNDING, INC., HOMECOMINGS FINANCIAL, LLC, SOUTH
12 PACIFIC FINANCIAL CORPORATION, RESIDENTIAL MORTGAGE CAPITAL, D/B/A FIRST
13 SECURITY LOAN and JAMES JOHN CHAPMAN, in the above-captioned proceeding are hereby
14 dismissed, with prejudice, pursuant to Fed. R. Civ. P. 41(a)(1).
15

16 2. Defendant, COUNTRYWIDE HOME LOANS, INC., was previously dismissed
17 from this case, with prejudice, on December 12, 2008. (Doc. 87).
18

19 3. Defendants, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,
20 ANDRUS & ASSOCIATES, INC., PAUL RAY ANDRUS, LUIS G. BARRIOS and ELIZABETH P.
21 CAMPOS, have not appeared in this case. Plaintiff, CARLOS H. PEREZ, hereby dismisses this case
22 with regard to Defendants, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,
23 ANDRUS & ASSOCIATES, INC., PAUL RAY ANDRUS, LUIS G. BARRIOS and ELIZABETH P.
24 CAMPOS, without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1).
25

26 4. All parties in this case having been dismissed, the Clerk of the Court will close this
27 case.
28

1 IT IS SO STIPULATED.

2 Dated: August 12, 2009

CONSUMER LAW CENTER, INC.

3
4 By: /s/ Fred W. Schwinn

5 Fred W. Schwinn, Esq.
6 Attorney for Plaintiff
7 Carlos H. Perez

8 Dated: August 12, 2009

LOCKE LORD BISSELL & LIDDELL, LLP

9
10 By: /s/ James Matthew Goodin

11 James Matthew Goodin, Esq.
12 Attorneys for Defendants
13 GMAC Mortgage USA Corp.; Executive
14 Trustee Service, LLC; and Homecomings
15 Financial LLC

16 Dated: August 12, 2009

WRIGHT FINLAY & ZAK, LLP

17
18 By: /s/ Robin P. Wright

19 Robin P. Wright, Esq.
20 Attorneys for Defendant
21 South Pacific Financial Corporation

22 Dated: August 12, 2009

RAGGHIANI FREITAS, LLP

23
24 By: /s/ Robert F. Epstein

25 Robert F. Epstein, Esq.
26 Attorneys for Defendants
27 Residential Mortgage Capital and James
28 John Chapman

1 Dated: August 12, 2009

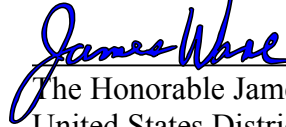
SEVERSON & WERSON, APC

2
3 By: /s/ Sunny S. Huo
4 Sunny S. Huo, Esq.
5 Attorneys for Defendant
6 GreenPoint Mortgage Funding, Inc.

7 THE FOREGOING STIPULATION
8 IS APPROVED AND IS SO ORDERED.

9 The Court terminates any remaining deadlines, hearings or motions. The Clerk shall close this file.

10 Dated: August 17, 2009

11 
12 _____
13 The Honorable James Ware
14 United States District Judge