

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

E-Filed 9/1/2009

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

BRYAN RUSSELL,

Plaintiff,

v.

INDYMAC BANK, F.S.B., et al.,

Defendants.

Case Number C 09-3134 JF (RS)

ORDER (1) VACATING HEARING
DATE OF SEPTEMBER 4, 2009;
(2) TERMINATING MOTION TO
DISMISS AS MOOT; AND (3)
GRANTING MOTION TO STAY

[re: docket nos. 8, 11, 13]

On July 28, 2009, Defendant Quality Loan Service Corporation (“Quality”) filed a motion to dismiss this action. On August 13, 2009, Plaintiff Bryan Russell (“Russell”) voluntarily dismissed Quality pursuant to Fed. R. Civ. P. 41(a). Accordingly, the Court hereby TERMINATES Quality’s motion to dismiss as moot.

On July 23, 2009, Defendant Federal Deposit Insurance Corporation (“FDIC”), receiver for Defendant IndyMac Bank, FSB, filed a motion to stay this action ninety days pursuant to 12 U.S.C. § 1821(d)(12)(A)(ii) and (B). On August 13, 2009, Russell filed a notice of non-opposition to the requested stay. No other party has filed opposition to the motion for stay. Accordingly, for good cause shown and without opposition, the Court hereby STAYS this action

1 for ninety days. A Case Management Conference is set for December 11, 2009 at 10:30 a.m.

2 IT IS SO ORDERED.

3
4 DATED: September 1, 2009

5
6
7 JEREMY FOGEL
United States District Judge



8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Copies of Order served on:

2

3 Brian P. Rigonan brigonan@kentwesterberglaw.com

4 D. Kent Westerberg kent@kentwesterberglaw.com, carol@kentwesterberglaw.com

5 David C. Scott dscott@mccarthyholthus.com

6 David Robert Zaro dzaro@allenmatkins.com

7 Emily L. Kennedy ekennedy@allenmatkins.com

8 Renee Welze Livingston rlivingston@livingstonlawyers.com

9 Seth Michael Harris seharris@mccarthyholthus.com, civilefile@mccarthyholthus.com

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28