

1 NATHAN BENJAMIN, SB No. 197859  
 nathan@baskinggrant.com  
 2 CALEB SEQUOIA BASKIN, SB No. 226132  
 csbaskin@baskinggrant.com  
 3 BASKIN & GRANT, LLP  
 331 SOQUEL AVENUE, SUITE 100  
 4 SANTA CRUZ, CALIFORNIA 95062  
 Tel: (831) 425-8999  
 5 Fax: (831) 425-8853  
 6 THE LAW OFFICE OF SIMMONS & PURDY  
 PAMELA D. SIMMONS, SBN 160523  
 7 pamela@pamelaw.com  
 2425 PORTER STREET, SUITE 10  
 8 SOQUEL, CALIFORNIA, 95073-2454  
 Tel: (831) 464-6884  
 9 Fax: (831) 464-6886

10 Attorneys for Larry Busch and Karen Busch,  
 Plaintiffs

11  
 12 **UNITED STATES DISTRICT COURT**  
 13 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**  
 14

15 LARRY BUSCH, KAREN BUSCH,  
 16 Plaintiffs,

17 vs.

18 CITIMORTGAGE, INC., AMERICAN  
 HOME MORTGAGE SERVICING, INC.,  
 19 LITTON LOAN SERVICING, L.P., MTGLQ  
 INVESTORS, L.P., WL R/IVZ RESI NPL  
 20 LLC, INVESTCO, RESI WHOLE LOAN IV  
 LLC, DOES 1 through 150, all persons  
 21 unknown claiming any legal or equitable right,  
 title, estate lien, or interest in the real property  
 22 described in the Complaint adverse to  
 Plaintiff's title or any cloud on Plaintiff's title  
 23 thereto,

24 Defendants.

CASE NO. 5:11-CV-03192-EJD

**STIPULATION RE SCHEDULING OF  
 BRIEFING AND HEARING OF MOTION  
 TO DISMISS OF LITTON LOAN  
 SERVICING, L.P., MTGLQ INVESTORS,  
 L.P. AND [PROPOSED] ORDER**

Hearing Date: February 10, 2012  
 Time: 9:00 a.m.

Judge: HON. EDWARD J. DAVILA  
 Crtrm.: 1, 5<sup>th</sup> FLOOR

Trial Date: None Set

26 WHEREAS, this case was originally filed on June 17, 2011 in the Superior Court of the  
 27 State of California, County of Santa Cruz, and was removed by certain defendants to this Court on  
 28 June 28, 2011;

1 WHEREAS, Defendant AMERICAN HOME MORTGAGE SERVICING, INC. filed its  
2 Motion to Dismiss Plaintiffs' Complaint, and on July 15, 2011 Defendant CITIMORTGAGE,  
3 INC. also filed its Motion to Dismiss. Both Motions were set for hearing on November 4, 2011;

4 WHEREAS, on August 26, 2011, Plaintiffs and Defendant AMERICAN HOME  
5 MORTGAGE SERVICING, INC. and Defendant CITIMORTGAGE stipulated for, and the Court  
6 Ordered on August 29, 2011, leave for Plaintiff to file a First Amended Complaint. By that  
7 Stipulation the hearing date of November 4, 2011 was preserved. The First Amended Complaint  
8 was filed on 09/16/2011;

9 WHEREAS, Plaintiffs and Defendants LITTON LOAN SERVICING and L.P., MTGLQ  
10 INVESTORS, L.P., have entered into Stipulations to allow additional time to respond to the First  
11 Amended Complaint, including that Stipulation Ordered on 10/6/2011;

12 WHEREAS Defendants AMERICAN HOME MORTGAGE SERVICING, INC. and  
13 CITIMORTGAGE have filed their Motions to Dismiss the First Amended Complaint. The  
14 opposition to the motion of AMERICAN HOME MORTGAGE SERVICING, INC. is due to be  
15 filed on 10/16/2011 and the opposition to the motion of CITIMORTGAGE is due to be filed on  
16 10/21/2011, and those motions are set to be heard on November 4, 2011;

17 WHEREAS the Case Management Conference is also set for November 4, 2011;

18 WHEREAS Defendants LITTON LOAN SERVICING and L.P., MTGLQ INVESTORS,  
19 L.P. filed their Motion to Dismiss the First Amended Complaint on 10/12/2011 with a motion  
20 hearing date of 2/10/2012, with opposition due on 10/26/2011;

21 WHEREAS Plaintiffs and Defendants LITTON LOAN SERVICING and L.P., MTGLQ  
22 INVESTORS recognize that the briefing schedule, in light of the other, above-mentioned, motions  
23 and briefing schedules, are somewhat burdensome for Plaintiffs, and that the hearing on  
24 November 4, 2011 may result in an additional amendment to the Complaint, which amendment  
25 would potentially render moot the motion to dismiss set for 2/10/2012;

26 WHEREAS Plaintiffs and Defendants LITTON LOAN SERVICING and L.P., MTGLQ  
27 INVESTORS recognize that judicial economy and fairness are best assured by a modified briefing  
28 and hearing schedule such that the motions to dismiss of AMERICAN HOME MORTGAGE

1 SERVICING, INC. and CITIMORTGAGE and the Case Management Conference can take place  
2 on November 4, 2011, and then if necessary, based on the outcome of those motions, the LITTON  
3 LOAN SERVICING and L.P., MTGLQ INVESTORS motion can either be taken off calendar or  
4 briefed thereafter;

5 WHEREAS Plaintiffs and Defendants LITTON LOAN SERVICING and L.P., MTGLQ  
6 INVESTORS have been advised that a hearing date of December 2, 2011, or soon thereafter, may  
7 be available for the LITTON LOAN SERVICING and L.P., MTGLQ INVESTORS Motion to  
8 Dismiss provided the parties hereto so stipulate.

9 **IT IS HEREBY STIPULATED** by and between the parties hereto, through their  
10 respective attorneys of record, that Plaintiffs may file any opposition to the LITTON LOAN  
11 SERVICING and L.P., MTGLQ INVESTORS Motion to Dismiss on or before November 16,  
12 2011, with reply to be filed on or before November 23, 2011;

13 **IT IS FURTHER STIPULATED** that the LITTON LOAN SERVICING and L.P.,  
14 MTGLQ INVESTORS Motion to Dismiss shall be heard on December 2, 2011, or as soon  
15 thereafter as is available;

16 **IT IS FURTHER STIPULATED** that if the hearing on November 4 on the Motions to  
17 Dismiss of AMERICAN HOME MORTGAGE SERVICING, INC. and CITIMORTGAGE  
18 results in an Order allowing further amendment of the Complaint, the LITTON LOAN  
19 SERVICING and L.P., MTGLQ INVESTORS Motion to Dismiss shall be taken off calendar and  
20 these defendants shall be required to respond only to the second amended complaint.

21  
22 DATED: October 13, 2011

BASKIN & GRANT, LLP

23

24

By: /S/

NATHAN C. BENJAMIN

Attorneys for Larry Busch and Karen Busch,  
Plaintiffs

25

26 ///

27 ///

28 ///

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

DATED: October 13, 2011

SEVERSON & WERSON

By: /S/  
THOMAS N. ABBOTT  
Attorneys for LITTON LOAN SERVICING, LP  
and MTGLQ INVESTORS, LP

**IT IS SO ORDERED.**

DATED: October 17, 2011

  
Honorable EDWARD J. DAVILA  
United States District Judge

\*\*END OF ORDER\*\*

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

SERVICE LIST

LOCKE LORD BISSELL & LIDDELL LLP      Peter J. Van Zandt, Esq.  
Conrad V. Sison (SBN: 217197)      Claudia L. Williams, Esq.  
csison@lockelord.com      BLEDSOE, CATHCART, DIESTEL,  
Daniel A. Solitro (SBN: 243908)      PEDERSEN & TREPPA LLP  
dsolitro@lockelord.com      601 California Street, 16th Floor  
Sally W. Mimms (SBN: 276093)      San Francisco, California 94108  
smimms@lockelord.com      Telephone: 415.981.5411  
300 South Grand Avenue, Suite 2600      Facsimile: 415.981.0352  
Los Angeles, California 90071      Attorneys for Defendant, CITIMORTGAGE,  
Telephone: 213-485-1500      INC.  
Facsimile: 213-485-1200  
Attorney for Defendant AMERICAN HOME  
MORTGAGE SERVICING, INC.

Mary Kate Sullivan, Esq.  
Thomas N. Abbott, Esq.  
SEVERSON & WERSON  
A Professional Corporation  
One Embarcadero Center, Suite 2600  
San Francisco, California 94111  
Telephone: 415.398.3344  
Facsimile: 415.956.0439  
Attorneys for Defendants, LITTON LOAN  
SERVICING LP and MTGLQ INVESTORS, LP