

1 **RECITALS**

2 WHEREAS, the FDIC filed its Complaint in the Western District of Washington on
3 March 16, 2011 (Dkt. No. 1);

4 WHEREAS, counsel for Defendants agreed to accept service of the Complaint on their
5 behalf;

6 WHEREAS, the Court previously entered an order extending the time for Defendants to
7 answer or otherwise respond to the Complaint to June 17, 2011 (Dkt. No. 45);

8 WHEREAS, the parties disclosed in their Joint Status Report, filed on June 13, 2011, that
9 they have been engaged in mediation in an attempt to settle the dispute;

10 WHEREAS, the parties have now exchanged settlement term sheets reflective of a
11 potential settlement. The parties are diligently working to resolve their remaining disputes. In
12 some instances, the settlement terms must have consent of certain third parties. The parties have
13 reserved additional sessions with the mediator for June 29 and June 30, 2011, in the event they
14 are unable to resolve the matters at issue in the interim;

15 WHEREAS, the parties agree that it would be counterproductive to their efforts to settle
16 this matter were motion to dismiss briefing to be commenced at this time. They correspondingly
17 agree that it would facilitate the potential settlement of this action if the motion to dismiss
18 briefing were deferred a short additional period of time; and

19 WHEREAS, the parties jointly respectfully request that the Court extend the time in
20 which defendants are required to file their initial response to the Complaint to and including July
21 1, 2011, the day after conclusion of the last scheduled mediation session. The proposed schedule
22 revision does not change the existing September 15, 2011 noting date of the motions to dismiss.

23 **STIPULATION**

24 IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the FDIC
25 and Defendants, that Defendants shall each have until the end of July 1, 2011 to answer or
26 otherwise respond to Plaintiff's Complaint. Any opposition shall be due on August 22, 2011,
27

1 and any reply shall be due on September 15, 2011. The changes are shown in the following
2 chart:

Filing	Previous Due Date	New Due Date
Defendants' Answer or First Response to Complaint	June 17, 2011	July 1, 2011
Opposition	August 16, 2011	August 22, 2011
Reply	September 15, 2011	September 15, 2011

7 IT IS SO STIPULATED.

8 DATED this 16th day of June, 2011.

9 **REED SMITH LLP**

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Attorneys for Kerry and Linda Killinger

1 **ORDER**

2 Based on the foregoing Stipulation,

3 IT IS HEREBY ORDERED that Defendants shall each have up to and including July 1,
4 2011 to answer or otherwise respond to the Plaintiff Federal Deposit Insurance Corporation, as
5 Receiver of Washington Mutual Bank’s Complaint (Dkt. No. 1) in Case No. 2:11-cv-00459. In
6 addition, any opposition shall be due on August 22, 2011, and any reply shall be due on
7 September 15, 2011.

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9 DATED this 16th day of June, 2011.

10 

11 Marsha J. Pechman
12 United States District Judge

13
14 Presented by:

15 **DAVIS WRIGHT TREMAINE LLP**

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