

1 JOEL A. FEUER, SBN 100663  
2 JFeuer@gibsondunn.com  
3 GIBSON, DUNN & CRUTCHER LLP  
4 2029 Century Park East, Suite 4000  
5 Los Angeles, California 90067  
6 Telephone: (310) 552-8500  
7 Facsimile: (310) 551-8741

8 Attorneys for Defendant  
9 THE BANK OF NEW YORK MELLON

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12 SOUTHERN DIVISION

13 IN RE: MEDICAL CAPITAL  
14 SECURITIES LITIGATION

Case No. SA-10-ML-02145 DOC  
(RNBx)

15 This document relates to:

ORDER RE STAY OF DISCOVERY  
AND PROCEEDINGS IN  
"NOTEHOLDER ACTIONS"  
PENDING COMPLETION OF  
MEDIATION AND MODIFICATION  
OF PRE-TRIAL AND TRIAL  
SCHEDULING ORDER

16 Case No. SA-CV-09-1048 DOC  
(RNBx)

17 STEVEN MASONEK, *et al.* v.  
18 WELLS FARGO BANK, N.A., *et al.*

19 Case No. SACV 10-6561 DOC  
(RNBx)

20 JAMES ABBATE, *et al.* v.  
21 WELLS FARGO BANK, N.A., *et al.*

22 Case No. SACV 10-0548 DOC  
(RNBx)

23 KENNETH BAIN, *et al.* v.  
24 WELLS FARGO BANK, N.A., *et al.*

25 Case No. SACV 09-0818 DOC  
(RNBx)

26 SECURITIES AND EXCHANGE  
27 COMMISSION v.  
28 MEDICAL CAPITAL HOLDINGS,  
INC., *et al.*

EXISTING DATE: August 27, 2012  
PROPOSED DATE: October 15, 2012  
TIME: 8:30 a.m.  
COURTROOM: 9D  
JUDGE: Hon. David O. Carter

1 Having reviewed the Stipulation Regarding Stay of Discovery and Proceedings  
2 in “Noteholder Actions” Pending Completion of Mediation and Modification of Pre-  
3 Trial and Trial Scheduling Order filed by Plaintiffs in the Noteholder Actions,<sup>1</sup>  
4 Defendant Wells Fargo Bank, N.A. (“Wells Fargo”), Defendant The Bank of New  
5 York Mellon (“BNYM”), Thomas Seaman, the court-appointed Receiver (the  
6 “Receiver”), and the Securities and Exchange Commission (the “SEC”), and good  
7 cause showing;

8 It is therefore ORDERED that:

9 1. All discovery and proceedings in the Noteholder Actions – except  
10 mediation – shall be stayed from July 12, 2012, through and including August 27,  
11 2012, the next day for a joint mediation session. This stay does not affect the SEC  
12 Action except that Noteholders need not file objections on their own by the July 23  
13 date that the Receiver invited such correspondence, and the briefing schedule on the  
14 motion to approve settlement will go forward as set forth below.

15 2. Unless otherwise agreed by all Parties, the stay shall expire on August 28,  
16 2012. The depositions of Wells Fargo’s Fed. R. Civ. P. 30(b)(6) witnesses Mary  
17 Sohlberg and Cheryl Zimmerman, and of former BNYM employee John Bobko, shall  
18 be reset to the week of September 3, 2012. The Parties will confer by August 15, 2012  
19 to reschedule any other depositions noticed as of July 11, 2012, such that they occur  
20 within the same time frame relative to the discovery cut-off as previously noticed.

21 3. The August 27, 2012 hearing on the Motions is taken off calendar.  
22 Unless otherwise agreed by all parties, any oppositions to the Motions shall be due on  
23 September 10, 2012 and replies shall be due on October 1, 2012.

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25 <sup>1</sup> The Noteholder Actions are: *Masonek, et al. v. Wells Fargo Bank, National*  
26 *Association, et al.*, Case No. SACV 09-1048 DOC (RNBx); *Abbate, et al. v. Wells*  
27 *Fargo Bank, National Association, et al.*, Case No. SACV 10-6561 DOC (RNBx);  
28 and *Bain, et al. v. Wells Fargo Bank, National Association, et al.*, Case No. SACV  
10-0548 DOC (RNBx).

1           4.     The Motions shall be heard on Monday October 15, 2012 at 8:30 a.m.,  
2 or on a date and time thereafter that is convenient for the Court.

3           5.     The February 16, 2012 Scheduling Order (10-02145 D.E. 307) in the  
4 Noteholder Actions shall be modified as follows:

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<b>Pre-Trial Event</b>	<b>Previously Ordered Date</b>	<b>New Date</b>
Fact Discovery Cut-Off	September 1, 2012	October 19, 2012
Expert Discovery Cut-Off	November 7, 2012	January 11, 2013
Motion Cut Off	March 4, 2013	March 11, 2013
Pre-Trial Conference	March 25, 2013	April 1, 2013

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13           6.     The trial date in the Noteholder Actions of April 16, 2013, at 8:30 a.m.  
14 shall remain unchanged.

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16 DATED: July 23, 2012

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20 The Honorable David O. Carter  
21 United States District Court Judge