

1 RANDY RISNER, SBN 172552
2 Law Office of Randy Risner
3 1505 N. Wishon Ave.
4 Fresno, cA 93728
(559)449-0400
(559)237-4618
rjr@risnerlawfirm.com

5 Attorney for Plaintiff, Barry Halajian

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8 **UNITED STATES DISTRICT COURT FOR THE**
9 **EASTERN DISTRICT OF CALIFORNIA**

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11 BARRY HALAJIAN, an individual,)

12 Plaintiffs,)

13 v.)

14 DEUTSCHE BANK NATIONAL TRUST)
15 COMPANY, AS TRUSTEE FOR GSAMP)
16 TRUST 2005-HE4, MORTGAGE PASS-)
17 THROUGH CERTIFICATES, SERIES)
2005-HE4, a New York Corporation; JP)
18 MORGAN CHASE BANK N.A., a national)
19 banking association incorporated in New)
20 York; NDEx WEST LLC, a Delaware limited)
liability company; and WHITNEY K. COOK,)
an individual residing in Ohio; ALL)
PERSONS KNOWN OR UNKNOWN)
CLAIMING AN INTEREST IN 4917 E.)
SOONER DR., FRESNO, CALIFORNIA)
93727; and DOES 1 through 20, inclusive.)

21 Defendants.)

Case No.: 1:12-CV-00814-AWI-GSA

**JOINT STIPULATION TO CONTINUE
DEFENDANTS JPMORGAN CHASE
BANK N.A. AND WHITNEY COOK'S
MOTION FOR SUMMARY JUDGMENT**

22 **RECITALS**

23 1. Plaintiff Barry Halajian (“Plaintiff”) filed the instant Complaint (“Complaint”) on
24 May 16, 2012 against Defendants Deutsche Bank National Trust Company, as Trustee for
25 GSAMP TRUST 2005-HE4 Mortgage Pass-Through Certificates, Series 2005-HE4
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27 **JOINT STIPULATION TO CONTINUE MOTION FOR SUMMARY JUDGMENT;**
28 **PROPOSED ORDER**

1 (“Deutsche Bank”), JPMorgan Chase Bank, N.A. (“Chase”), Whitney Cook (“Cook”), and NDEX
2 West LLC.

3 2. On April 11, 2014, Defendants JPMorgan Chase Bank N.A. and Cook filed a
4 Joint Motion for Summary Judgment (the “Chase MSJ”). Defendant Deutsche Bank filed its
5 Motion for Summary Judgment (the “Deutsche Bank MSJ”) on the same day.

6 3. The hearing date for the Chase MSJ is set for May 12, 2014 at 1:30 p.m. The
7 hearing date for the Deutsche Bank MSJ is set for June 2, 2014 at 1:30 p.m.

8 4. Plaintiff’s attorney has scheduling conflicts and other matters that have
9 impacted his time and ability to prepare and file an opposition to the Chase MSJ.

10 5. Defendants Chase and Cook have no objection to Plaintiff’s attorney’s request
11 for more time in light of his adverse personal circumstances, which Defendants acknowledge as
12 legitimate reasons for an extension of time and accept on their face as being offered in good
13 faith.

14 6. The Parties have met and conferred and agree that a continuance of the Chase
15 MSJ hearing to June 2, 2014 at 1:30 p.m. will benefit all parties and the Court in that the Chase
16 MSJ and the Deutsche Bank MSJ may be heard at the same time.

17 **STIPULATION**

18 1. The Parties wish to continue the Chase MSJ hearing to June 2, 2014 at 1:30 p.m.
19 with all deadlines for the filing and service of an opposition and all deadlines for a reply thereto
20 are likewise extended relative to the June 2, 2014 hearing date. That is, any opposition by
21 plaintiff is due 14 days before the new hearing date and any reply to any opposition is due seven
22 days before the new hearing date.

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1 Dated: May 2, 2014

WARGO & FRENCH LLP

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3 By:

/s/ Laura K. Gladwin
Mark L. Block
Laura K. Gladwin
Attorneys for Defendant,
JP MORGAN CHASE BANK, N.A.

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7 Dated: May 1, 2014

SIMPSON THACHER & BARTLETT LLP

8 By:

/s/ Jonathan M. Weiss
Deborah L. Stein
Jonathan M. Weiss
Attorneys for Defendant,
WHITNEY K. COOK

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12 Dated: April 28, 2014

LAW OFFICE OF RANDY RISNER

13 By:

/s/ Randy Risner
Randy Risner
Attorney for Plaintiff,
BARRY HALAJIAN

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**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

BARRY HALAJIAN, an individual,

Plaintiffs,

v.

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR GSAMP
TRUST 2005-HE4, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES
2005-HE4, a New York Corporation; JP
MORGAN CHASE BANK N.A., a national
banking association incorporated in New
York; NDEx WEST LLC, a Delaware limited
liability company; and WHITNEY K. COOK,
an individual residing in Ohio; ALL
PERSONS KNOWN OR UNKNOWN
CLAIMING AN INTEREST IN 4917 E.
SOONER DR., FRESNO, CALIFORNIA
93727; and DOES 1 through 20, inclusive.

Defendants.

Case No.: 1:12-CV-00814-AWI-GSA

**ORDER GRANTING JOINT
STIPULATION TO CONTINUE
DEFENDANTS JPMORGAN CHASE
BANK N.A. AND WHITNEY COOK'S
MOTION FOR SUMMARY JUDGMENT**

The Court having considered the Parties' JOINT STIPULATION TO CONTINUE DEFENDANTS JPMORGAN CHASE BANK N.A. AND WHITNEY COOK'S MOTION FOR SUMMARY JUDGMENT, finding good cause appearing, hereby GRANTS the Stipulation and ORDERS as follows:

The hearing date for JPMorgan Chase Bank N.A. and Whitney Cook's Motion for Summary Judgment is continued to June 2, 2014 at 1:30 p.m. Any opposition thereto is to be

1 filed 14 days before the hearing. Any reply to the opposition is to be filed seven days before
2 the hearing.

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4 IT IS SO ORDERED.

5 Dated: May 2, 2014


6 SENIOR DISTRICT JUDGE

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