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11 Attorneys for Defendant
12 The Bank of New York Mellon

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

17 EMINENCE INVESTORS, L.L.L.P., an
18 Arkansas Limited Liability Limited Partnership,
Individually, and on behalf of all others similarly
situated, Plaintiff, and John Does,

No.: 1:13-cv-02025-AWI-MJS

Plaintiff,

21 || vs.

**STIPULATION RESETTING HEARING
ON DEFENDANT'S MOTION TO STAY;
ORDER**

Hearing Date: November 17, 2014
Hearing Time: 1:30 p.m.
Judge: Hon. Anthony W. Ishii

23 THE BANK OF NEW YORK MELLON, a New
24 York Banking Corporation and Does 1 to 25,
Inclusive.

Defendant.

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IT IS HEREBY STIPULATED by and between the parties to this action, through their attorneys of record, as follows:

Recitals:

1. On October 8, 2014, Defendant filed a Motion to Stay Proceedings Pending Resolution of Appeal in this Court, which motion is set for hearing on November 17, 2014.

2. The parties have not previously sought or received any extensions from the Court regarding the Motion to Stay Proceedings Pending Resolution of Appeal.

3. The parties would like time to attempt to resolve this matter through settlement, and to that end, seek the Court's approval as follows.

Agreement:

IT IS HEREBY AGREED by and between the parties that the hearing on Defendant's Motion to Stay Proceedings Pending Resolution of Appeal shall be reset for January 12, 2015, at 1:30 p.m. and Plaintiff's deadline to respond to the motion shall run from the new hearing date.

DATED: November 6, 2014

RUMMONDS BARRON THORNTON, LLP

AND

THORNTON LAW GROUP, P.C.

By: /s/ Douglas V. Thornton
DOUGLAS V. THORNTON
Attorneys for Plaintiff
Eminence Investors, L.L.C.

DATED: November 6, 2014

REED SMITH LLP

AND

DIETRICH, GLASRUD, MALLEK & AUNE

By: /s/ Eric A. Schaffer

ERIC A. SCHAFER,
Attorneys for Defendant
The Bank of New York Mellon

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ORDER

IT IS SO ORDERED.

Dated: November 6, 2014



SENIOR DISTRICT JUDGE