

1 ARBOGAST & BERNS, LLP  
 2 DAVID M. ARBOGAST (SBN 167571)  
 3 darbogast@law111.com  
 4 JEFFREY K. BERNS (SBN 131351)  
 5 jberns@law111.com  
 19510 Ventura Boulevard, Suite 200  
 6 Tarzana, California 91356  
 Telephone: 818-961-2000  
 Facsimile: 818-867-4820

7 Attorneys for Plaintiff, Josefina Quezada,  
 and all others similarly situated

8 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
 9 A Limited Liability Partnership  
 Including Professional Corporations  
 ROBERT S. BEALL, Cal. Bar No. 132016  
 rbeall@sheppardmullin.com  
 10 SHANNON Z. PETERSEN, Cal. Bar No. 211426  
 spetersen@sheppardmullin.com  
 11 650 Town Center Drive, 4th Floor  
 Costa Mesa, California 92626-1993  
 12 Telephone: 714-513-5100  
 Facsimile: 714-513-5130

13 Attorneys for Defendants  
 14 EMC MORTGAGE CORPORATION,  
 STRUCTURED ASSET MORTGAGE  
 15 INVESTMENTS II, INC., and BANK OF  
 NEW YORK MELLON  
 16 CORPORATION

17 UNITED STATES DISTRICT COURT  
 18 EASTERN DISTRICT OF CALIFORNIA

19  
 20 JOSEFINA QUEZADA, individually and  
 on behalf of all others similarly situated,

21 Plaintiff,

22 vs.

23 LOAN CENTER OF CALIFORNIA,  
 24 INCORPORATED, EMC MORTGAGE  
 CORPORATION, STRUCTURED ASSET  
 25 MORTGAGE INVESTMENTS II, INC.,  
 BANK OF NEW YORK MELLON  
 26 CORPORATION, and DOES 1 through 10  
 inclusive,

27 Defendants.  
 28

Case No.: 2:08-CV-00177 - WBS (KJMx)

**STIPULATION AND PROPOSED  
 [ORDER] TO CONTINUE DEADLINE  
 FOR FILING PLAINTIFF'S MOTION  
 FOR CLASS CERTIFICATION AND  
 THE EMC DEFENDANTS' ANSWER  
 TO THIRD AMENDED COMPLAINT**

**[Local Rules 83-143; 6-144(a)]**

1           WHEREAS, the Court previously set the deadline for Plaintiff Josefina Quezada  
2 (“Plaintiff”) to file her Motion for Class Certification for January 19, 2009;

3           WHEREAS, defendants EMC Mortgage Corporation, Structured Asset Mortgage  
4 Investments II, Inc., and Bank of New York Mellon Corporation (collectively, "The EMC  
5 Defendants") answer to the third amended complaint is presently due on January 9, 2009;

6           WHEREAS, the EMC Defendants and Plaintiff have agreed to hold an informal  
7 settlement conference to discuss a resolution of this and other cases on January 21, 2009;

8           WHEREAS, in order to allow the parties to have meaningful settlement discussions,  
9 the parties have agreed, with the Court’s permission, to continue the deadline for Plaintiff  
10 to file her Motion for Class Certification for three weeks, until February 9, 2009;

11           WHEREAS, the parties have also agreed, with the Court's permission, that The  
12 EMC Defendants shall have until at least February 9, 2009, to respond to Plaintiff's Third  
13 Amended Complaint.

14           WHEREAS, Local Rules 83-143 and 6-144(a) provide that the parties may request a  
15 continuance on a filing deadline by submitting a stipulation for the Court’s approval;

16           IT IS HEREBY STIPULATED by and between Plaintiff Josefina Quezada, on the  
17 one hand, and Defendants EMC Mortgage Corporation, Structured Asset Mortgage  
18 Investments II, Inc., and Bank of New York Mellon Corporation, on the other, through their  
19 respective counsel of record herein, that: (i) the filing deadline on Plaintiff’s Motion for  
20 Class Certification shall be continued to February 9, 2009; and (ii) that the date for The  
21 EMC Defendants to respond to Plaintiff's Third Amended Complaint shall be continued to  
22 February 9, 2009.

23  
24  
25  
26  
27  
28

1 This extension of time will not alter the date of any other event or deadline already  
2 fixed by Court order.

3 IT IS SO STIPULATED.

4 DATED: January 8, 2009

SHEPPARD, MULLIN, RICHTER &  
HAMPTON LLP

5

6 By:           /s/ Shannon Petersen          

7

Shannon Z. Petersen

8

650 Town Center Drive, 4th Floor

9

Costa Mesa, California 92626-1993

10

Telephone: 714-513-5100

11

Facsimile: 714-513-5130

12

Attorneys for Defendants

13

EMC MORTGAGE CORPORATION,

14

STRUCTURED ASSET MORTGAGE

15

INVESTMENTS II, INC., and BANK OF

16

NEW YORK MELLON CORPORATION

17

DATED: January 8, 2009

ARBOGAST & BERNS, LLP

18

19 By:           /s/ David M. Arbogast          

20

David M. Arbogast

21

19510 Ventura Boulevard, Suite 200

22

Tarzana, California 91356

23

Telephone: 818-961-2000

24

Facsimile: 818-867-4820

25

Attorneys for Plaintiff

26

JOSEFINA QUEZADA, and all others

27

similarly situated

28

**ORDER**

**IT IS SO ORDERED.**

Date: January 29, 2009



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE