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6 Attorney for Plaintiff  
 7 DIANA RIOS

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

11 DIANA A. RIOS,  
 12 Plaintiff,  
 13 v.  
 14 EMC MORTGAGE CORPORATION, *et*  
 15 *al.*,  
 16 Defendants.

CASE NO. 09-cv-02447-MCE-JFM

**JUDGE:** Hon. Morrison C. England, Jr.

**STIPULATION AND ORDER TO  
 CONTINUE HEARING ON MOTION  
 TO DISMISS**

17  
 18 Plaintiff DIANA A. RIOS and Defendants EMC MORTGAGE CORPORATION,  
 19 WELLS FARGO BANK, N.A., AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF  
 20 STRUCTURED ASSET MORTGAGE INVESTMENTS II, INC., GREENPOINT  
 21 MTA TRUST 2005-AR5, MORTGAGE PASSTHROUGH CERTIFICATES, SERIES 2005-  
 22 AR5 erroneously sued as WELLS FARGO BANK NA, JPMORGAN CHASE BANK,  
 23 N.A., erroneously sued as JP MORGAN CHASE, and MORTGAGE ELECTRONIC  
 24 REGISTRATION SYSTEMS, INC. (collectively, "Defendants") by and through their respective  
 25 counsel, stipulate and agree as follows:

26 WHEREAS Plaintiff filed her Complaint on August 29, 2009;

27 WHEREAS on September 23, 2009 Defendants filed their Motion to Dismiss the  
 28 Complaint for Failure to State a Claim;

1 WHEREAS the hearing on Defendants' Motion to Dismiss is presently scheduled for  
2 November 12, 2009;

3 WHEREAS Plaintiff's opposition to Defendants' Motion to Dismiss is presently due  
4 October 29, 2009;

5 The parties hereto, by and through their counsel, stipulate and agree as follows:

6 1. The hearing on Defendants' Motion to Dismiss shall be continued to December 3,  
7 2009 at 2:00 p.m., or as soon thereafter as is convenient to the Court;

8 2. Plaintiff's opposition shall be filed and served by November 18, 2009;

9 3. Defendants' reply shall be filed and served by November 25, 2009; and

10 4. Plaintiff shall mail a copy of this Stipulation and Order to the remaining  
11 defendants.

12  
13 Dated: \_\_\_\_\_

TRIAL & TECHNOLOGY LAW GROUP

14 By: \_\_\_\_\_  
15 Susan Kalra

16 Dated: \_\_\_\_\_


ADORNO YOSS ALVARADO & SMITH

17  
18 By: \_\_\_\_\_  
19 Macey Chan

20 **ORDER**

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22  
23 Dated: October 28, 2009

24   
25 \_\_\_\_\_  
26 MORRISON C. ENGLAND, JR.  
27 UNITED STATES DISTRICT JUDGE  
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