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5 **Attorneys for Defendant**  
6 **CITIBANK, N.A. (erroneously sued as**  
**“CITIMORTGAGE”)**

8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION**

11 GARY HIBBS, DIANE HIBBS,

12 Plaintiffs,

13 v.

14 CITIMORTGAGE, MORTGAGE OUTREACH  
SERVICES, and DOES 1-50, Inclusive,

15 Defendants.

Case No.: 2:09-cv-02698-JAM-KJN

**STIPULATION TO CONTINUE HEARING  
ON DEFENDANT CITIBANK, N.A.’S  
MOTION TO DISMISS AND MOTION TO  
STRIKE; ORDER**

Date: March 3, 2010

Time: 9:30 a.m.

Place: Courtroom 25, 8<sup>th</sup> Floor

Magistrate Judge Kendall J. Newman

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19 **TO ALL PARTIES HEREIN AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD:**

20 This Stipulation is made pursuant to Local Rule 6-144 and is made by and between Plaintiffs  
21 GARY HIBBS and DIANE HIBBS (Plaintiffs”) and Defendant CITIBANK, N.A. (“Defendant”).  
22 Plaintiffs and Defendant, by and through their respective counsel of record herein, agree and  
23 stipulate as follows:

24 A hearing on Defendant’s Motion to Dismiss and Motion to Strike the First Amended  
25 Complaint of Plaintiff’s is currently scheduled for March 3, 2010 at 9:30 a.m. before Magistrate  
26 Judge Kendall J. Newman in Courtroom 25, 8<sup>th</sup> Floor of the United States District Court-Eastern,  
27 Sacramento Division.

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Whereas, Plaintiffs and Defendant wish to continue the hearing for a period of four (4) weeks or to a later date that is convenient to the Court.

DATED: February 24, 2010 WOLFE & WYMAN LLP

By: /s/ Joshua M. Bryan (SBN 225230)  
STUART B. WOLFE  
JOSHUA M. BRYAN  
**Attorneys for Defendant  
CITIBANK, N.A.**

DATED: February 24, 2010 LAW OFFICES OF JONATHAN D. STEIN

By: /s/ Jonathan D. Stein (SBN 224609)  
JONATHAN D. STEIN  
**Attorneys for Plaintiffs Gary Hibbs  
and Diane Hibbs**

**ORDER ON STIPULATION**

The Court, having reviewed the stipulation of the parties, and good cause appearing therefore, **ORDERS** that the hearing on the Motion to Dismiss and Motion to Strike the First Amended Complaint shall be continued to May 5, 2010 at 9:30 a.m. in Courtroom #6.

IT IS SO ORDERED.

Dated: February 26, 2010 /s/ John A. Mendez  
UNITED STATES DISTRICT JUDGE