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9 **Attorneys for Plaintiff**

10 **BANK OF AMERICA, N.A., as successor by merger to La**  
 11 **Salle Bank National Association, as trustee for the Merrill**  
 12 **Lynch First Franklin Mortgage Loan Trust, Mortgage Loan**  
 13 **Asset-Backed Certificates, Series 2007-H-1 and as trustee for**  
 14 **the Merrill Lynch First Franklin Mortgage Loan Trust, Series**  
 15 **2007-A Mortgage Loan Asset-Backed Certificates**

16 **UNITED STATES DISTRICT COURT**

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

18 **BANK OF AMERICA, N.A., as successor by**  
 19 **merger to LaSalle Bank National Association, as**  
 20 **trustee for the Merrill Lynch First Franklin**  
 21 **Mortgage Loan Trust, Mortgage Loan Asset-**  
 22 **Backed Certificates, Series 2007-H-1 and as trustee**  
 23 **for the Merrill Lynch First Franklin Mortgage Loan**  
 24 **Trust, Series 2007-A Mortgage Loan Asset-Backed**  
 25 **Certificates.**

Case No.: 2:09-cv-02865

**STIPULATION TO EXTEND PRE-TRIAL DEADLINES; ORDER THEREON**

Plaintiff,

v.

26 **NIKOLAY YAKIMENKO, an individual;**  
 27 **JANETA ASLANYAN, an individual; FIRST**  
 28 **AMERICAN TITLE INSURANCE CO., a**  
**California corporation; GMAC MORTGAGE,**  
**LLC, a Delaware corporation; and DOES 1 through**  
**200, inclusive,**

Defendants.

**TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

This Stipulation is made pursuant to Federal Rules of Court Rule 16(b)(4), Local Civil Rules of Court Rule 83-143 and the Scheduling Order Section XIII, and is made by and between Plaintiff BANK OF AMERICA, N.A., as successor by merger to LaSalle Bank National Association, as



1 trustee for the Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed  
2 Certificates, Series 2007-H-1 and as trustee for the Merrill Lynch First Franklin Mortgage Loan  
3 Trust, Series 2007-A Mortgage Loan Asset-Backed Certificates (“BOA”), Defendant GMAC  
4 MORTGAGE, LLC (“GMAC”), and Defendant DOE 1, UNITED STATES OF AMERICA (“US”),  
5 by and through their respective counsel of record herein. The parties stipulate and hereby seek the  
6 Court to continue all pre-trial dates currently set forth in the Scheduling Order based on good cause  
7 and agreement of the parties.

8 WHEREAS, BOA, GMAC and US are currently the only active, non-defaulted, parties in the  
9 action; and

10 WHEREAS, BOA, GMAC and US are currently seeking to resolve this matter without  
11 further Court intervention by way of a Mediation to occur by April 30, 2012; and

12 WHEREAS, GMAC has requested the continuance of the hearing on the Motion for  
13 Summary Judgment to the proposed Dispositive Motion hearing date of September 11, 2012; and

14 WHEREAS, the Trial Date of February 4, 2013 as currently set forth in the Scheduling  
15 Order, will remain the same; and

16 WHEREAS, all other dates not specifically set forth below shall remain as previously set by  
17 the Court on October 26, 2011; and

18 WHEREAS, the parties wish to re-open discovery and extend the discovery cut-off deadline  
19 to a date closer to the February 4, 2013 trial date to allow the parties to continue their exploration of  
20 facts and issues in this matter, including information attained only after the passage of the current  
21 discovery cut-off date; and

22 WHEREAS, there was one prior stipulation and request for modification of the scheduling  
23 order of all other dates except for trial, and one stipulation briefly extending the discovery cut-off  
24 deadline, all prior to the Court’s most recent order continuing the trial date to February 4, 2013; and

25 WHEREAS, the stipulation and request will not prejudice the parties;

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1 DATED: February 23, 2012

WOLFE & WYMAN, LLP

2 By: /s/ Alice M. Dostalova

3 ALICE M. DOSTALOVA

4 STUART B. WOLFE

Attorneys for Plaintiff


5 BANK OF AMERICA as successor by merger to LaSalle  
6 Bank National Association, as trustee for the Merrill Lynch  
7 First Franklin Mortgage Loan Trust, Mortgage Loan Asset-  
8 Backed Certificates, Series 2007-H-1 and as trustee for the  
9 Merrill Lynch First Franklin Mortgage Loan Trust, Series  
10 2007-A Mortgage Loan Asset-Backed Certificates

11 \*\*\* ORDER \*\*\*

12 Pursuant to the parties' stipulation, the Court adopts the deadlines proposed above with the  
13 exception of the proposed September 11, 2012 hearing on Defendants' summary judgment motion.  
14 Because that date is not an available civil motion date on the Court's calendar, the hearing will be set  
15 for **September 20, 2012 at 2:00 p.m.**, the next available date after September 11, 2012. Moreover,  
16 Defendant's currently pending Motion for Summary Judgment (ECF No. 40) is DENIED at this  
17 point, without prejudice, with permission granted to refile the motion at a later time for hearing not  
18 later than September 20, 2012.

19 IT IS SO ORDERED.

20 Dated: March 5, 2012

21   
22 MORRISON C. ENGLAND, JR.  
23 UNITED STATES DISTRICT JUDGE

