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Attorneys for Plaintiffs  
DANIEL R. BASHAM and  
CAROLE BASHAM

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

DANIEL R. BASHAM and CAROLE ) Case No.: 2:10-CV-00096-WBS-GGH  
BASHAM, )  
) **STIPULATION TO AMEND COMPLAINT**  
Plaintiffs, ) **PURSUANT TO FRCP 15 (a)(2); PROPOSED**  
vs. ) **ORDER**  
)

PACIFIC FUNDING GROUP, a California) Date: N/A  
business entity, form unknown; ) Time: N/A  
MORTGAGE ELECTRONIC ) Courtroom: Courtroom 5, 14<sup>th</sup> Floor  
REGISTRATION SYSTEMS, INC.; a ) Judge: Hon. William B. Shubb  
Deleware corporation; WELLS FARGO )  
HOME MORTGAGE, INC., a California )  
corporation, dba AMERICA’S SERVICE )  
COMPANY; CITIBANK N.A. AS )  
INDENTURE TRUSTEE FOR BSARM ) **Complaint Filed: January 13, 2010**  
2007-2, a business entity, form unknown; )  
NDEX WEST, L.L.C., a Delaware )  
corporation; and DOES 1-100, Inclusive, )  
)  
Defendants. )  
)

## I. INTRODUCTION

On April 5, 2010, Plaintiffs Carole Basham and Daniel Basham filed a First Amended Complaint once as a matter of right prior to the filing of a responsive pleading as permitted under the old Federal Rules of Civil Procedure 15(a)(1)(B). Defendants filed a Statement pursuant to FRCP 15(a) directing Plaintiffs' attention to the new rule which required Plaintiffs First Amended Complaint be filed by March 18, 2010. Plaintiffs apologize for the oversight and have agreed with Defendants to stipulate to Plaintiffs permitted filing of the First Amended complaint received and filed in this Court on April 5, 2010.

## II. STIPULATION

Plaintiffs and Defendants Wells Fargo Bank, N.A. and Citibank, N.A., as Indenture Trustee for BSRAM 2007-2, hereby agree pursuant to Fed. R. Civ. P. 15(a)(2) to permit Plaintiffs to file the Amended Complaint that was untimely filed with this Court on April 5, 2010. If this stipulation is satisfactory to the Court, Defendants Wells Fargo and Citibank request that their current Motion to Dismiss be deemed withdrawn. Defendants shall have until May 5, 2010 to respond to the First Amended Complaint.

**IT IS SO STIPULATED.**

Dated: April 7, 2010

/S/  
Stephen C. Ruehmann  
Fisher & Ruehmann, LLP  
Attorney for Plaintiffs

Dated: April 7, 2010

\_\_\_\_\_/s/\_\_\_\_\_  
Jon D. Ives  
SEVERSON & WERSON  
Attorneys for Defendants


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2  
3 **ORDER**

4 PURSUANT TO THE STIPULATION of the parties, Fed. R. Civ. P. 15(a)(2),  
5 and finding Good Cause therefore, this Court HEREBY ORDERS that:

- 6 1. Plaintiffs Carole Basham and Daniel Basham are granted permission to file the  
7 Amended Complaint that was previously untimely filed on April 5, 2010.  
8 2. Defendants' pending Motion to dismiss is deemed withdrawn.  
9 3. Defendants shall have until May 5, 2010 to respond to the First Amended Complaint.  
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12 **IT IS SO ORDERED.**  
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14 Dated: April 12, 2010  
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18 WILLIAM B. SHUBB  
19 UNITED STATES DISTRICT JUDGE  
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